



Canadian Grain  
Commission

Commission canadienne  
des grains



**Canadian Grain Commission  
2019-2020  
Annual Report to Parliament  
Access to Information Act**

# **Canadian Grain Commission**

## **2019-2020**

### **Annual Report to Parliament on the *Access to Information Act***

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#### **1. Introduction**

The Canadian Grain Commission (CGC) presents to Parliament its *Annual Report on the Administration of the Access to Information Act* (the “Act”) for fiscal year 2019-2020 (April 1, 2019 to March 31, 2020). This report is prepared and tabled in accordance with section 94 of the Act and section 20 of the *Service Fees Act*.

The Act gives Canadian citizens, permanent residents and any person or corporation present in Canada a right to access records of government institutions that are subject to the Act. The Act maintains that government information should be made available to the public, necessary exceptions to the right of access should be limited and specific, and decisions on the disclosure of government information should be reviewed independently of government.

In accordance with the Treasury Board of Canada Secretariat (TBS) requirements, this report provides an overview of the activities of the CGC in administering its responsibilities under the Act. This report should be considered along with CGC’s 2019-2020 *Annual Report to Parliament on the Administration of the Privacy Act*, which is tabled separately.

The CGC is a federal government department, which administers the provisions of the *Canada Grain Act* (CGA). The CGC’s mandate, as set out in the CGA, is to, “in the interests of producers, establish and maintain standards of quality for Canadian grain and regulate grain handling in Canada, to ensure that grain is a dependable commodity for domestic and export markets”.

The CGC’s Core Responsibility is Grain Regulation, or, to regulate grain handling in Canada and to establish and maintain science-based standards for Canadian grain. The CGC regulates the handling of 20 grains grown in Canada to protect producer rights and ensure the integrity of grain transactions.

The Departmental Results of this Core Responsibility are that domestic and international markets regard Canadian grain as dependable and safe and that farmers are fairly compensated for their grain. The CGC supports its Core Responsibility through its programs: Grain Quality, Grain Research, and Safeguards for Grain Farmers.

## **2. Access to Information and Privacy Office structure**

The CGC is supported by Agriculture and Agri-Food Canada's (AAFC) Access to Information and Privacy (ATIP) office who assists in processing and responding to access to information and privacy requests received by the CGC.

The CGC's Chief Operating Officer is responsible for the coordination and implementation of policies, guidelines, and procedures to ensure compliance with the *Access to Information Act* and the *Privacy Act*.

The CGC has an access to information and privacy coordinator whose key responsibilities include:

- Ensuring timely processing of all ATIP requests and coordinating with AAFC's ATIP office for processing the CGC's ATIP requests;
- Proactively disclosing summaries of closed access requests on the CGC's website;
- Providing CGC staff with advice and guidance on ATIP-related matters;
- Preparing annual reports to Parliament and maintaining the CGC's Info Source chapter; and
- Developing and updating Personal Information Banks (PIBs).

## **3. Delegation of authority**

The Chief Commissioner of the CGC is responsible for responding to requests made under the *Access to Information Act*. Subsection 95(1) of the Act provides for the delegation of the powers, duties and functions designated by the Act.

The Chief Operating Officer of the CGC heads the CGC's operations and reports to the Chief Commissioner. This position has full delegated authority of the powers, duties and functions designated by the Act.

The delegation of authority instrument for the administration of the Act is appended hereto as Annexes A and B.

## **4. Access to Information Act Statistical Report**

The CGC's detailed Statistical Report on the Act for April 1, 2019 to March 31, 2020 is attached in Annex C. In comparing this Report with that of the previous reporting period (April 1, 2018 to March 31, 2019), it was noted that the CGC received eight requests for information under the Act.

### **Number of ATI requests**

<b>Year</b>	<b>Outstanding</b>	<b>Received</b>	<b>Completed</b>	<b>Carried Forward</b>
2016-2017	0	1	0	1
2017-2018	1	0	1	0
2018-2019	0	5	1	4
2019-2020	4	8	12	0

### **Access requests received and completed**

- The CGC received eight new requests for information under the Act.
- Four requests were carried forward from the previous reporting period.
- Twelve requests were completed.
- As part of the completed requests, 11,747 pages were reviewed.
- Of the 11,747 pages, 717 pages were released entirely or in part.

### **Exemptions invoked**

- The appended statistical reports provide details regarding the types of exemptions and exclusions applied to information contained in records for completed requests. The three exemptions most commonly used by the CGC during the reporting period were subsection 19(1) (personal information), section 20 (confidential third-party information) and section 21 (operations of government, advice, etc.).

### **Extensions**

- The Act allows extensions beyond the 30-day statutory time frame for specific reasons. During the reporting period, six of the twelve closed requests required time extensions of 31 days or more. The extensions were required to consult with third parties or OGDs, or were due to the volume of relevant records requiring review.

### **Informal requests**

- The CGC also responds to informal requests for information from the public. Informal requests are generally requests for previously released records under a formal access request.
- There were no informal requests received during this reporting period.

### **Consultations**

#### **Number of Pages to Review for Consultations**

- The CGC must also respond to consultations pursuant to the Act from other government institutions in order to provide those institutions with recommendations regarding the release of information related to the CGC.
- For this reporting period, the CGC received seventeen consultation requests from other institutions and all were completed within 30 days of receipt.
- The number of pages reviewed by the CGC for other institutions totalled 327.

Year	Outstanding	Received	Completed	Carried Forward
2016-2017	0	14 (1322 pages)	14	0
2017-2018	0	12 (117 pages)	12	0
<u>2018-2019</u>	0	11 (276 pages)	11	0
<u>2019-2020</u>	0	17 (327)	17	0

In summary:

The CGC received twenty-five requests during the reporting period, eight requests for information and seventeen consultation requests. This represents an increase in total requests received over the previous reporting period (16 requests received). In compliance with TBS requirements, summaries of the CGC's completed access to information requests may be found on the Government of Canada's Open Government web pages.

### **COVID-19 related measures**

- The CGC has been operating under its Business Continuity Plan since March 17, 2020. This plan focuses CGC resources on critical services which include ATIP request processing. There were no requests received during the March 17-31, 2020 period.

## **5. Reporting of the Access to Information fees for the purpose 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: \$10.00
- Total revenue: The total fee revenue for the 2019 to 2020 fiscal period collected was \$10.00.
- Fees waived: No fees were waived for the 2019 to 2020 fiscal period.
- Cost of operating the program: \$13,170.00.

## **6. ATIP training and education**

During the reporting period, the AAFC ATIP office provided training sessions to approximately 40 CGC employees. Training highlights from that session include:

- An overview of the access to information administrative processes;
- A definition of employee roles and responsibilities in relation to fulfilling CGC's responsibilities under the Act;
- The principles of the duty to assist; and
- An overview of exemptions and exclusions.

The CGC continues to review and develop information management practices and procedures within the organization as part of an ongoing records and information management project.

## **7. Policies, guidelines, procedures and engagement**

The CGC did not implement any new or revise any existing access to information policies, guidelines or procedures during the 2019 to 2020 fiscal period.

## **8. Access complaints, investigations and audits**

The Act provides a system of review to help ensure federal institutions comply with their obligations. Under this system of review, a requester may file a complaint with the Information Commissioner of Canada, who will investigate the matter on behalf of the requester. After the complaint investigation is

carried out, the Commissioner issues a finding on the matter and determines whether an institution handled the request properly.

The CGC received no complaints during the reporting period.

No audits in relation to the CGC's obligations under the Act were carried out during the reporting period.

## **9. Monitoring timelines**

Requests received under the Act by the CGC are monitored by AAFC's ATIP office using an automated system to ensure the timely processing of ATIP requests. The workflow case management tool used by AAFC tracks all actions and due dates, stores relevant records requiring review, maintains audit logs, promotes the use of standard templates, allows extensive search capability to facilitate analysis and generates progress and statistical reports.

CGC's ATIP Coordinator monitors the time to process access to information requests by completing an internal tracking log spreadsheet, which is updated to reflect key dates and activities for all requests including deadlines. Senior management is kept apprised of the access to information activities as required.

## **10. Closing**

In summary, the CGC saw an increase in the number of access requests received for the 2019-20 year and completed all of these by the legislated deadline. There were no requests outstanding at the end of the reporting period. The CGC is fully committed to both the spirit and the intent of the Act to ensure openness and transparency with the CGC and with the Canadian public.

## **Annex A – Access to Information Act Delegation Order - Canadian Grain Commission**

### ***Access to Information Act Delegation Order - Canadian Grain Commission***

The Chief Commissioner of the Canadian Grain Commission, pursuant to section 95(1) of the *Access to Information Act*, hereby delegates the persons of the CGC holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers and perform the duties and functions of the Chief Commissioner as the head of a government institution under the sections of the Act as set out in the schedule opposite each position. This Delegation Order supersedes all previous orders.



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Doug Chorney  
Acting Chief Commissioner

Signed on : August 21, 2020

## **Annex B – Delegation of authority instrument for the administration of the *Access to Information Act***

### **Sections of the *Access to Information Act***

<b>Sections</b>	<b>Powers, Duties or Functions</b>	<b>Chief Operating Officer</b>
4(2.1)	Responsibility of government institutions	X
7(a)	To notify applicant and to give access to the record	X
7(b)	Giving access to records	X
8(1)	To transfer to another institution or to accept transfer from another institution	X
9	To extend time limits	X
11(2)	Waiver of fee	X
12(2)b)	To have record translated in the public interest	X
12(3)(b)	To have record made accessible in alternative format	X
13	To exempt information obtained in confidence	X
13(2)	To disclose with consent of the other government	X
14	To exempt information re: federal – provincial affairs	X
15	To exempt information re: international affairs and defence	X
16	To exempt information re: law enforcement and investigations	X
16.5	To exempt information re: Public Servant Disclosure Act	X
17	To exempt information re: safety of individuals	X
18	To exempt information re: economic interests of Canada	X



19	To exempt personal information	X
20	To exempt third party information	X
21	To exempt information re: advice and recommendations	X
22	To exempt information re: testing procedures, tests and audits	X
22.1	To exempt information re: Audit working papers and draft audit reports	X
23	To exempt information re: solicitor client privilege	X
24	To exempt information re: statutory prohibitions	X
25	To sever exempt information from records and to disclose the remaining information	X
26	To refuse access when information is published	X
27(1)	To notify third party of intent to disclose	X
27(4)	To extend time limit for third party notification process	X
28(1)(b)	Review representations of third parties	X
28(2)	To waive the requirement of third parties providing representation in writing	X
28(4)	To notify third party of decision	X
33	To advise Information Commissioner of third-party involvement	X
35(2)(b)	To have the right to make representations to Information Commissioner	X
37(4)	To provide access to complainant pursuant to Information Commissioner's recommendation	X
43(2)	To provide notification to third party (application to Federal Court for review)	X

44(2)	To notify applicant that third party has applied for Court review	X
52(2)(b), (3)	Special rules for hearing	X
94	To prepare annual report to Parliament	X
<b>Legend:</b> X = has delegated authority		

**Sections of the *Access to Information Regulations***

<b>Sections</b>	<b>Powers, Duties or Functions</b>	<b>Chief Operating Officer</b>
6(1)	Transfer of request	X
7(2)	Search and preparation fees	X
7(3)	Production and programming fees	X
8	Providing access to record(s)	X
8.1	Limitation in respect of format	X
<b>Legend:</b> X = Has delegated authority		

## **Annex C - Statistical Report on the *Access to Information Act***



## Statistical Report on the *Access to Information Act*

Name of institution: Canadian Grain Commission

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	8
Outstanding from previous reporting period	4
<b>Total</b>	<b>12</b>
Closed during reporting period	12
Carried over to next reporting period	0

#### 1.2 Sources of requests

Source	Number of Requests
Media	3
Academia	0
Business (private sector)	3
Organization	0
Public	2
Decline to Identify	0
<b>Total</b>	<b>8</b>

#### 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
0	0	0	0	0	0	0	0

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

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**Canada**

## 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
<b>Total</b>	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

Completion Time
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<b>Disposition of Requests</b>	<b>1 to 15 Days</b>	<b>16 to 30 Days</b>	<b>31 to 60 Days</b>	<b>61 to 120 Days</b>	<b>121 to 180 Days</b>	<b>181 to 365 Days</b>	<b>More Than 365 Days</b>	<b>Total</b>
All disclosed	3	2	0	0	0	0	0	5
Disclosed in part	0	0	1	2	2	1	0	6
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	1	0	0	0	0	0	0	1
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
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
<b>Total</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>12</b>

### 3.2 Exemptions

<b>Section</b>	<b>Number of Requests</b>	<b>Section</b>	<b>Number of Requests</b>	<b>Section</b>	<b>Number of Requests</b>	<b>Section</b>	<b>Number of Requests</b>
13(1)(a)	0	16(2)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20.2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	4	18(d)	0	21(1)(a)	4

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)	3
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	2
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)	4	22.1(1)	0
15(1) - I.A.*	1	16.2(1)	0	20(1)(a)	0	23	3
15(1) - Def.*	0	16.3	0	20(1)(b)	2	23.1	0
15(1) - S.A.*	0	16.31	0	20(1)(b.1)	0	24(1)	0
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(c)	0	26	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(d)	0		
16(1)(a)(iii)	0	16.5	0				
16(1)(b)	0	16.6	0				
16(1)(c)	0	17	0				
16(1)(d)	0						

\* I.A.: International Affairs    Def.: Defence of Canada    S.A.: Subversive Activities

### 3.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	1	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

### 3.4 Format of information released

Paper	Electronic	Other
4	7	0

### 3.5 Complexity

#### 3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
11747	717	11

### 3.5.2 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	5	6	0	0	0	0	0	0	0	0
Disclosed in part	2	79	2	158	0	0	1	316	1	158
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>7</b>	<b>85</b>	<b>2</b>	<b>158</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>316</b>	<b>1</b>	<b>158</b>

### 3.5.3 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 denied	0	0	0	0	0
<b>Total</b>	3	0	0	0	3

### 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	12
Percentage of requests closed within legislated timelines (%)	100

### 3.7 Deemed refusals

#### 3.7.1 Reasons for not meeting legislated timelines

Number of Requests Closed Past the Legislated Timelines	Principal Reason			
	Interference with Operations / Workload	External Consultation	Internal Consultation	Other
0	0	0	0	0

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

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timeline Where an Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0

121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
<b>Total</b>	0	0	0

### 3.8 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
<b>Total</b>	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	0	0	0	0
Disclosed in part	3	0	3	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
<b>Total</b>	3	0	3	0

### 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	0	1	0
31 to 60 days	0	0	1	0

61 to 120 days	1	0	1	0
121 to 180 days	1	0	0	0
181 to 365 days	1	0	0	0
365 days or more	0	0	0	0
<b>Total</b>	3	0	3	0

## Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Requests	Amount	Requests	Amount
Application	2	\$10	0	\$0
Other fees	0	\$0	0	\$0
<b>Total</b>	2	\$10	0	\$0

## 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	17	327	0	0
Outstanding from the previous reporting period	0	0	0	0
<b>Total</b>	17	327	0	0
Closed during the reporting period	17	327	0	0
Carried over to next reporting period	0	0	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	13	0	0	0	0	0	0	13
Disclose in part	4	0	0	0	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
<b>Total</b>	<b>17</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>17</b>

**6.3 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



<b>Total</b>	0	0	0	0	0	0	0	0	0
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## 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
0	0	0	0	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		\$13,170
Overtime		\$0
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
<b>Total</b>		<b>\$13,170</b>

## 10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.20
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
<b>Total</b>	<b>0.20</b>

**Note:** Enter values to two decimal places.