

DEFENCE CONSTRUCTION CANADA

2019–2020 ACCESS TO INFORMATION ACT ANNUAL REPORT

April 1, 2019, to March 31, 2020



Defence Construction Canada
Construction de Défense Canada

Canada

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REPORT ON THE ACCESS TO INFORMATION ACT

INTRODUCTION

The *Access to Information Act* (ATIA) gives Canadian citizens, as well as individuals and corporations present in Canada, the right to access records under the control of a federal institution. The public's right of access to information is balanced against the legitimate need to protect sensitive information and to permit the effective functioning of government, while promoting transparency and accountability in government institutions.

The ATIA complements but does not replace other procedures for obtaining government information. It is not intended to limit in any way access to government information normally available to the public upon request.

Section 94 of the ATIA requires the head of every federal government institution to submit an annual report to Parliament on the administration of the ATIA during the financial year. This annual report summarizes the management and administration of the ATIA within Defence Construction (1951) Limited (DCC) during the 2019–20 reporting period.

MANDATE OF DCC

The principal mandate of DCC, pursuant to the *Defence Production Act* (DPA), is to meet the infrastructure and environmental needs of the Department of National Defence and the Canadian Armed Forces (DND/CAF) by providing quality services. DCC's mission is to provide timely, effective and efficient project delivery and full lifecycle support for infrastructure and environmental assets required for the defence of Canada. DCC is an agent of the Crown incorporated for the purpose of carrying out the procurement for and delivering of defence infrastructure projects. The DPA defines a defence contract as a contract with an agent of Her Majesty that in any way relates to defence projects or to the designing, manufacturing, producing, constructing, finishing, assembling, transporting, repairing, maintaining, servicing or storing of, or dealing in defence projects. DCC's Letters Patent permit DCC to take on, lease, or in exchange, procure, purchase or otherwise acquire, construct, alter, renovate, add to, improve, and to hold, manage, maintain, operate, supervise, repair, heat, lease, sell, salvage, realize or otherwise dispose of real and personal property—and in particular, lands and buildings. DCC reports to Parliament through the Minister of Public Services and Procurement.

DCC'S ACCESS TO INFORMATION AND PRIVACY OFFICE

DCC's Access to Information and Privacy (ATIP) Office is accountable for developing and implementing effective policies, guidelines, systems and procedures to ensure that DCC meets its responsibilities under the ATIA and the *Privacy Act* (PA).

The main activities of the ATIP Office include the following

- monitoring compliance with relevant Acts, regulations, procedures and policies;
- processing requests under both Acts;
- developing and maintaining policies, procedures and guidelines to ensure that DCC respects the Acts;
- promoting awareness of the Acts within DCC to ensure that employees are aware of their responsibilities;
- preparing annual reports to Parliament and other statutory reports, as well as other material that Central Agencies may require;
- representing DCC in dealings with the Treasury Board of Canada Secretariat (TBS), the Information and Privacy Commissioners, and other government departments and agencies to determine how the Acts apply to DCC; and
- helping DCC meet its commitments to ensure openness and transparency, through proactive and informal disclosure of information.

During the 2019–20 reporting period, the ATIP Office took on the coordination of additional activities in support of DCC's compliance with ancillary statutory requirements. These new activities include the following:

- reporting travel and hospitality expense of senior officials on the Open Government portal;
- responding to parliamentary questions (Order Paper Questions);
- responding to constituent inquiries; and
- reviewing DCC's corporate services contracting documents.

ORGANIZATIONAL STRUCTURE

During the 2019–20 reporting period, the ATIP Office had three full-time positions: one ATIP Coordinator, one ATIP Deputy Coordinator and one ATIP Administrator. The ATIP Administrator position was vacated during the reporting period, and a recruitment process was initiated to staff the role. As is the case for most institutions, recruitment and retention of qualified ATIP professionals is a significant challenge for DCC.

DCC was not party to any service agreements under section 96 of the ATIA during the 2019–20 reporting period.

DELEGATION OF AUTHORITY

Pursuant to section 95 of the ATIA, the President has delegated his powers and duties to the ATIP Coordinator to allow the Corporation to meet its legislated requirements. These powers are subject to sub-delegation to the Deputy Coordinator as required.

See Appendix A for the Delegation Order.

SUMMARY AND HIGHLIGHTS OF ACTIVITIES

In accordance with the Interim Directive on the Administration of the ATIA, DCC posts summaries of completed ATIA requests on the Open Government portal each month.

In addition, the ATIP Office continued to revise its communication templates during the 2019–20 reporting period by regularly reviewing its acknowledgement letter, extension letter, other government entity consultation letter, third-party notice letter and release letters.

To better meet the needs of requesters, DCC also continued to offer interim release packages during the 2019–20 reporting period, when possible.

Finally, during the 2019–20 reporting period, the ATIP Office continued to monitor the TBS procurement initiative for a new ATIP Processing Software Solution.

TRAINING AND AWARENESS

During the 2019–20 reporting period, DCC continued to present ATIP Office activity to inform senior management of the volume of access to information and privacy requests, increase awareness of access to information and privacy issues, and help the ATIP Office fulfill its mandate.

The ATIP Office briefs DCC's five executives monthly and 20 senior managers twice a year.

Topics covered in the presentation include the following:

- annual and quarterly comparisons of ATIP requests handled and pages reviewed;
- consultation requests, by region and government institution; and
- annual ATIP requests, by source type.

During the 2019–20 reporting period, DCC expanded its scope of reporting to include DCC's Board of Directors. Through this quarterly report, the ATIP Office provides an overview of its activities in the administration of both the ATIA and the PA. Topics covered in the ATIP Board Report include the following:

- ATIP activities relating to legislative compliance;
- statistical reporting and presentation of new request summaries for the reporting period;
- corporate risk assessments; and
- ATIP-related environmental scan.

A plain language policy document on the ATIA is accessible to all employees via the DCC intranet.

The ATIP Office created a training module intended for DCC employees based on the Canada School of Public Service's introductory online ATIP course. This self-directed training covers DCC's responsibilities under the ATIA and PA and will be reviewed by the ATIP Coordinator.

Also, the ATIP Office continued to provide advice and guidance to regional- and site-level employees on ATIP activities.

The ATIP Coordinator continued to provide training to the ATIP Deputy Coordinator on DCC ATIP processes and practices. The ATIP Deputy Coordinator provided training to the ATIP Administrator on DCC ATIP processes and practices, as well as general training based on TBS resources, including the Interim Directive on the ATIA, the Access to Information Regulations and the Access to Information Manual.

POLICIES, GUIDELINES AND PROCEDURES

During the 2019–20 reporting period and in accordance with the Government of Canada's priorities of openness and transparency, DCC remained committed to reviewing and improving its administration of the ATIA.

As a direct result, the processing of DCC-held information continued to permit the disclosure of specific record types, since the application of certain exemptions under the ATIA had been refined in the preceding reporting period.

To maintain this achievement, the ATIP Coordinator, in conjunction with the ATIP Deputy Coordinator, continued to identify common record types processed by the ATIP Office. Each record type was assessed in the context of its function, the applicable disclosure provisions under the ATIA and the DPA and possible sensitivities.

In addition, the ATIP Office continued to use its refined tasking process to identify appropriate points of contact within each region. In the preceding reporting period, lead contacts were identified and compiled in a reference document for use by the ATIP Office. This document is subject to regular update and is intended to improve engagement of appropriate subject-matter experts when retrieving DCC-held records and responding to external consultation requests.

The ATIP Office is committed to continuous improvement of its policies and processes related to the processing of requests and consultations received under the ATIA.

The ATIP Office responded to new ATIA reporting requirements for Crown corporations. Upon Royal Assent of Bill C-58, the frequency of DCC's reporting relating to travel and hospitality expenses of senior officials increased from quarterly to monthly. To better align with this new statutory reporting responsibility, the ATIP Office was designated as the lead reporting authority. In addition, the venue for publication of this information was moved to the Open Government portal.

DCC has established and reminds employees of their obligations under the following policies, guidelines and procedures related to the ATIA:

- DCC ATIP policies and procedures; and
- DCC's Code of Business Conduct, which includes the *Public Servants Disclosure Protection Act* (PSDPA).

DCC requires all employees to review and comply with DCC's Code of Business Conduct as a condition of employment. This Code articulates expectations, incorporates the PSDPA and provides procedures for the disclosure of wrongdoing under that Act.

Each year, DCC employees are required to review their obligations and responsibilities under the Code and to actively acknowledge their continued compliance. This annual process is conducted electronically. DCC sends each employee an e-mail reminder and tracks responses through an automated system. This allows DCC to keep accurate records and to take appropriate follow-up action. New employees must pass an online test regarding the Code shortly after they are hired. In 2019–20, 100% of DCC's employees responded to the annual request for review and all new hires completed the required test.

The Code includes DCC employee obligations under the ATIA to help ensure effective and consistent administration and compliance with the ATIA and its regulations.

OVERVIEW OF 2019-20 OPERATING ENVIRONMENT IMPACTING ATIP ACTIVITY

DCC is modernizing its IT infrastructure to ensure that the Corporation keeps pace with its industry and government partners in the use and application of technology for infrastructure and environment services. The schedule for this initiative was accelerated dramatically due to a cyber incident in September 2019 that disrupted DCC's IT systems. DCC was able to recover and restore its IT systems quickly, since most of the project work had already been completed on the secure cloud and managed services project.

Openness, transparency and accountability are guiding principles of the Government of Canada and are fully supported by DCC. However, DCC's ability to administer ATIP activity was impacted by the circumstances and exceptional measures put in place to curb the spread of the novel coronavirus (COVID-19) pandemic and protect the health and safety of its employees. As a result, DCC's ATIP Office was operating at reduced capacity at the end of the 2019–20 reporting period.

In response to the pandemic, DCC took its lead from the Public Health Agency of Canada. DCC employees were supported in their transition to working from home whenever possible. This transition impacted the ATIP Office, whose employees faced, as did other Government of Canada ATIP personnel, the unprecedented reality of working in a new physical location and set-up, while trying to balance multiple work and home responsibilities.

ACCESS TO INFORMATION ACT STATISTICAL REPORT

FORMAL REQUESTS

The table below shows the number of ATIA requests received and processed by DCC, by source, over the past four reporting periods:

Source	2016–17	2017–18	2018–19	2019–20
Public	3	3	1	3
Media	7	0	0	0
Business (private sector)	25	15	17	6
Academia	1	0	0	0
Organization	2	0	2	1
Decline to identify	0	0	0	0
Total received	38	18	20	10

Between April 1, 2019, and March 31, 2020, DCC received 10 requests for information under the ATIA.

Three requests were carried over from the previous reporting period, for a total of 13 requests processed. Of these, DCC completed 10 requests in 2019–20, which involved processing a total of 1,397 pages. DCC carried over three requests into the next reporting period.

DISPOSITION OF COMPLETED REQUESTS

Of the ten requests completed during the reporting period, five requests were responded to with records disclosed in part. Three requests had no records associated with them. One request was abandoned. One request was transferred to another institution.

DCC provided paper copies of documents in response to one request. For four other requests, DCC sent the responses electronically.

COMPLETION TIME AND EXTENSIONS

During the reporting period, DCC completed four requests within 15 days; none within 16 to 30 days or within 31 to 60 days; three within 61 to 120 days; none within 121 to 180 days; and two within 181 to 365 days. One request was abandoned at more than 365 days.

Of the 10 requests closed during the reporting period, nine (90% of requests) were completed within the allowable time limits and one request was abandoned. Section 9 of the ATIA provides for the extension of the statutory time limits if the request is for a large number of records or necessitates a search through a large number of records and meeting the original time limit would unreasonably interfere with DCC's operations; if consultations are necessary and cannot be reasonably completed within the original time limit; or if notice of the request is given pursuant to subsection 27(1).

To comply with requests to which paragraph 9(1)(b) applies, the ATIP Office most often carries out consultations with DND.

The majority of DCC's requests are for information obtained under or by virtue of the DPA, which is listed in Schedule II of the ATIA. Section 30 of the DPA is a mandatory exemption in that it explicitly prohibits the disclosure of information without first obtaining the appropriate consent. Nevertheless, in the spirit of openness and transparency, DCC makes every reasonable effort to acquire this consent. In this way, DCC attempts to balance the right of access with the responsibility to protect that information. For example, DCC proactively consults with third parties in order to negotiate the complete or partial disclosure of their information. As a result of this approach, none of the 1,397 relevant pages processed in this reporting period were "all exempted."

DCC takes its duty to assist very seriously and works closely with requesters during all aspects of request processing. During this reporting period, the ATIP Deputy Coordinator provides increased assistance to requesters at initial contact to identify records of interest to them by either expanding or narrowing the scope. This improves response turnaround times and reduces the use of extensions. It also lessens the impact on DCC employees by reducing the number of records for review, and ultimately minimizes operational impact. This permits the Corporation to balance its commitment to openness and transparency with its fee-for-service operating model in the successful administration of the ATIA.

MONITORING OF REQUESTS

The ATIP Deputy Coordinator monitors DCC's case management system daily to check for "red" highlights in case files, which indicate a delay. This ensures continued compliance with principles of the ATIA.

The ATIP Deputy Coordinator meets with the ATIP Coordinator weekly to review the status of case files and develop appropriate strategies to improve compliance rates.

Additionally, the ATIP Deputy Coordinator distributes the ATIP Monthly Activity Report by e-mail to the Executive Management Group. This report captures new requests, both formal and informal, as well as requests for consultation received during the preceding month. It also contains statistical information regarding ATIP Office activity on a monthly and year-to-date basis.

During the 2019–20 reporting period, DCC's ATIP Office expanded its scope of reporting to include DCC's Board of Directors. This report captures ATIP activity for the preceding quarter. For further information on this report, please refer to the Training and Awareness section of this publication.

EXEMPTIONS INVOKED

During the reporting period, DCC invoked exemptions under the ATIA, as follows:

Exemption		Number of times applied
Section 15	Exempting records expected to be injurious to the conduct of international affairs and the defence of Canada	1
Section 16	Exempting records containing information on the vulnerability of a particular building or other structures and systems	0
Section 18	Exempting records expected to prejudice the economic interests of Canada	1
Section 19	Exempting records containing personal information	5
Section 20	Exempting records containing third-party business information	8
Section 21	Exempting records containing information relating to the internal decision-making processes of government	3
Section 24	Statutory prohibition against releasing information under provisions in Schedule II of the ATIA relating to the <i>Defence Production Act</i>	4

EXCLUSIONS INVOKED

During the reporting period, DCC did not invoke any exclusions relating to the completed requests.

INFORMAL REQUESTS

DCC received 12 informal requests for the reporting period. This is an increase from the previous reporting period, when DCC received nine informal requests.

In addition, the ATIP Office led DCC's response to a Department of Justice Canada request for document preservation for which more than 10,000 pages of documents were retrieved, reviewed and transferred.

REQUESTS FOR CONSULTATION FROM OTHER GOVERNMENT INSTITUTIONS AND ORGANIZATIONS

A significant amount of the ATIP Office's workload involves responding to requests for consultation related to formal requests received by other government institutions and organizations. In 2019–20, DCC received 15 such requests, and one request was carried over from the previous reporting period. DCC worked closely with DND/CAF, Communications Security Establishment Canada, Public Services and Procurement Canada, Indigenous Services Canada, TBS and the City of North Bay to respond to these requests in a timely fashion.

TRANSLATION

There were no requests for records to be translated during the reporting period.

FEES

As per ATIA Regulations, DCC collected application fees totalling \$45. The application fee for one request was waived pursuant to subsection 11(2) of the ATIA.

COSTS

DCC's costs directly associated with the administration of the ATIA for 2019–20 were estimated to be \$103,293.

COMPLAINTS AND REQUESTS FOR JUDICIAL REVIEW

During the 2019–20 reporting period, DCC did not receive any new complaints from the Office of the Information Commissioner (OIC).

The OIC continued its investigation of one compliant carried over from the previous reporting period. In support of this investigation, DCC provided further documentation to assist the investigator. Specifically, DCC located and provided historical information concerning the request associated with this complaint.

**APPENDIX A:
DELEGATION
ORDER – *ACCESS TO
INFORMATION ACT***



Defence Construction Canada
Construction de Défense Canada

ACCESS TO INFORMATION AND PRIVACY ACT DELEGATION ORDER

ARRÊTÉ SUR LA DÉLÉGATION EN VERTU DE LA LOI SUR L'ACCÈS À L'INFORMATION ET DE LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

<p>The President and CEO of Defence Construction (1951) Limited, pursuant to section 73 of the <i>Access to Information Act</i> and the <i>Privacy Act</i>, hereby designates the person holding the position set out below, or the person occupying on an acting basis the position, to exercise the powers and functions of the President as the head of a government institution, under the section of the Act set out in the attached schedules. This Designation Order supersedes all previous Designation Orders.</p>	<p>En vertu de l'article 73 de la Loi sur l'accès à l'information et la Loi sur la protection des renseignements personnels, le Président et premier dirigeant de Construction de Défense (1951) Limitée délègue au titulaire du poste mentionné ci-après, ainsi qu'à la personne occupant à titre intérimaire ledit poste, les attributions dont il est, en qualité de responsable d'une institution fédérale, investie par les articles des Loi mentionnées dans les annexes ci-jointes. Le présent décret de délégation remplace et annule tout décret antérieur.</p>
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Position / Poste	Access to Information Act and Regulations <i>Loi sur l'accès à l'information et règlements</i>	Privacy Act and Regulations <i>Loi sur la protection des renseignements personnels et règlements</i>
<p>Director, Governance and Legal Affairs, and Corporate Secretary</p> <p>Directrice, Gouvernance et Affaires juridiques, et secrétaire de la Société</p>	<p>Schedule A</p> <p>Annexe A</p>	<p>Schedule B</p> <p>Annexe B</p>

<p>Dated, at the City of Ottawa, this <u>17th</u> day of <u>November</u>, 2016.</p>	<p>Daté, en la ville d'Ottawa, ce <u>17^e</u> jour de <u>novembre</u> 2016.</p>
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LE PRÉSIDENT ET PREMIER DIRIGEANT
CONSTRUCTION DE DEFENSE (1951) LIMITEE

ORIGINAL SIGNED BY | ORIGINAL SIGNÉ PAR
JAMES S. PAUL

PRESIDENT AND CEO
DEFENCE CONSTRUCTION (1951) LIMITED

**SCHEDULE A - DELEGATION OF POWERS, DUTIES AND FUNCTIONS PURSUANT TO
SECTION 73 OF THE ACCESS TO INFORMATION ACT**

**ANNEXE A - DELEGATION DE POUVOIRS ET D'ATTRIBUTIONS EN VERTU DE L'ARTICLE 73 DE LA
LOI SUR L'ACCÈS À L'INFORMATION**

<i>Articles</i>	<i>Access to Information Act</i>	<i>Loi sur l'accès à l'information</i>
4(2.1)	Responsibility of the government institutions	Responsabilité de l'institution fédérale
7(a)	Notice when access requested	Aviser l'auteur de la demande d'accès
7(b)	Giving access to record	Autoriser l'accès à un document
8(1)	Transfer of request to another government institution	Transmission de la demande à une autre institution
9	Extension of time limits	Prorogation du délai
11(2), (3), (4), (5), (6)	Additional fees	Frais supplémentaires
12(2)(b)	Language of access	Langue de communication des renseignements
12(3)(b)	Access in an alternative format	Accès aux renseignements sur un support de substitution
13	Exemption - Information obtained in confidence	Exception - Renseignements obtenus à titre confidentiel
14	Exemption - Federal-provincial affairs	Exception - Affaires fédéro-provinciales
15	Exemption - International affairs and defence	Exception - Affaires internationales et défense
16	Exemption - Law enforcement and investigations	Exception - Application de la loi et enquêtes
16.5	Exemption - <i>Public Servants Disclosure Protection Act</i>	Exception - <i>Loi sur la protection des fonctionnaires divulgateurs d'actes répréhensibles</i>
17	Exemption - Safety of individuals	Exception - Sécurité des personnes
18	Exemption - Economic interests of Canada	Exception - Intérêts économiques du Canada
18.1	Exemption - Economic interest of the Canada Post Corporation, Export Development Canada, the Public Sector Pension Investment Board and VIA Rail Canada Inc.	Exceptions - Intérêts économiques de la Société canadienne des postes, d'Exportation et développement Canada, de l'Office d'investissement des régimes de pensions du secteur public et de VIA Rail Canada Inc.
19	Exemption - Personal information	Exception - Renseignements personnels
20	Exemption - Third party information	Exception - Renseignements de tiers
21	Exemption - Operations of Government	Exception - Activités du gouvernement
22	Exemption - Testing procedures, tests and audits	Exception - Examens et vérifications

22.1	Exemption - Audit working papers and draft audit reports	Exception - Documents de travail relatifs à la vérification et ébauche des rapports de vérification
23	Exemption - Solicitor-client privilege	Exception - Secret professionnel des avocats
24	Exemption - Statutory prohibitions	Exception - Interdictions réglementaires
25	Severability	Prélèvements
26	Exception - Information to be published	Exception - Renseignements devant être publiés
27(1), (4)	Third-party notification	Avis aux tiers
28(1)(b), (2), (4)	Third-party notification	Avis aux tiers
29(1)	Where the Information Commissioner recommends disclosure	Recommandation du Commissaire à l'information
33	Advising Information Commissioner of third party involvement	Avis au Commissaire à l'information de la participation d'un tiers
35(2)(b)	Right to make representations	Droit de présenter des observations
37(4)	Access to be given to complainant	Accès accordé au plaignant
43(1)	Notice to third party (application to Federal Court for review)	Avis au tiers (demande de révision par la Cour fédérale)
44(2)	Notice to applicant (application to Federal Court by third party)	Avis à la personne qui a fait la demande (demande de révision par la Cour fédérale faite par un tiers)
52(2)(b), (3)	Special rules for hearings	Règles spéciales concernant les audiences
71(1)	Facilities for inspection of manual	Salles publiques de consultation des manuels

Articles	Access to Information Regulations	Règlements sur l'accès à l'information
6(1)	Transfer of request	Transmettre une demande
7(2)	Search and preparation fees	Frais de recherche et de préparation
7(3)	Production and programming fees	Frais liés à la production et aux programmes
8	Providing access to record(s)	Donner accès au(x) dossier(s)
8.1	Limitations in respect of format	Restrictions applicables au support



Defence Construction Canada
Construction de Défense Canada

ACCESS TO INFORMATION ACT AND PRIVACY ACT DELEGATION ORDER
ARRÊTÉ DE DÉLÉGATION EN VERTU DE LA LOI SUR L'ACCÈS À L'INFORMATION ET DE LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

<p>The President and CEO of Defence Construction (1951) Limited, pursuant to section 73 of the <i>Access to Information Act</i> and the <i>Privacy Act</i>, as amended from time to time, hereby designates the person holding the position set out below, or the person occupying on an acting basis the position, to exercise or perform any of the powers, duties or functions of the President, under the sections of these Acts and related regulations, specified in the attached schedules. This designation replaces all previous delegation orders.</p>	<p>En vertu de l'article 73 de la <i>Loi sur l'accès à l'information</i> et de la <i>Loi sur la protection des renseignements personnels</i>, et de leurs modifications successives, la présidente et première dirigeante de Construction de défense (1951) Limitée délègue au titulaire du poste mentionné ci-après, ou à la personne occupant à titre intérimaire ledit poste, les pouvoirs, les attributions et les fonctions dont elle est investie par les articles des Lois et des règlements y relatifs, mentionnés dans les annexes ci-jointes. Le présent document remplace et annule tout arrêté de délégation antérieur.</p>
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Position Poste	<i>Access to Information Act</i> and Regulations <i>Loi sur l'accès à l'information</i> et règlements	<i>Privacy Act</i> and Regulations <i>Loi sur la protection des renseignements personnels</i> et règlements
Director, Governance and Legal Affairs, and Corporate Secretary Directrice, Gouvernance et Affaires juridiques, et secrétaire de la Société	Schedule A Annexe A	Schedule B Annexe B

Dated, at the City of Ottawa, this 13th day of July, 2019.	Daté, en la ville d'Ottawa, ce 13 ^e jour de juillet 2019.
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LA PRÉSIDENTE ET PREMIÈRE DIRIGEANTE PAR INTÉRIM
CONSTRUCTION DE DÉFENSE (1951) LIMITÉE

ORIGINAL SIGNED BY | ORIGINAL SIGNÉ PAR
MÉLINDA NYCHOLAT

ACTING PRESIDENT AND CEO
DEFENCE CONSTRUCTION (1951) LIMITED

**SCHEDULE A — DELEGATION OF POWERS, DUTIES AND FUNCTIONS PURSUANT TO
SECTION 73 OF THE ACCESS TO INFORMATION ACT**

**ANNEXE A — DÉLÉGATION DES POUVOIRS, DES ATTRIBUTIONS ET DES FONCTIONS EN VERTU DE
L'ARTICLE 73 DE LA LOI SUR L'ACCÈS À L'INFORMATION**

Section Article	Powers, Duties or Functions	Pouvoirs, attributions ou fonctions
4(2.1)	Responsibility of the government institutions	Responsabilité de l'institution fédérale
7(a)	Notice when access requested	Aviser l'auteur de la demande d'accès
7(b)	Giving access to record	Autoriser l'accès à un document
8(1)	Transfer of request to another government institution	Transmission de la demande à une autre institution
9	Extension of time limits	Prorogation du délai
11(2), (3), (4), (5), (6)	Additional fees	Frais supplémentaires
12(2)(b)	Language of access	Langue de communication des renseignements
12(3)(b)	Access in an alternative format	Accès aux renseignements sur un support de substitution
13	Exemption - Information obtained in confidence	Exception - Renseignements obtenus à titre confidentiel
14	Exemption - Federal-provincial affairs	Exception - Affaires fédéro-provinciales
15	Exemption - International affairs and defence	Exception - Affaires internationales et défense
16	Exemption - Law enforcement and investigations	Exception - Application de la loi et enquêtes
16.5	Exemption - <i>Public Servants Disclosure Protection Act</i>	Exception - <i>Loi sur la protection des fonctionnaires divulgateurs d'actes répréhensibles</i>
17	Exemption - Safety of individuals	Exception - Sécurité des personnes
18	Exemption - Economic interests of Canada	Exception - Intérêts économiques du Canada
18.1	Exemption - Economic interest of the Canada Post Corporation, Export Development Canada, the Public Sector Pension Investment Board and VIA Rail Canada Inc.	Exceptions - Intérêts économiques de la Société canadienne des postes, d'Exportation et développement Canada, de l'Office d'investissement des régimes de pensions du secteur public et de VIA Rail Canada Inc.
19	Exemption - Personal information	Exception - Renseignements personnels
20	Exemption - Third party information	Exception - Renseignements de tiers
21	Exemption - Operations of Government	Exception - Activités du gouvernement
22	Exemption - Testing procedures, tests and audits	Exception - Examens et vérifications

22.1	Exemption - Audit working papers and draft audit reports	Exception - Documents de travail relatifs à la vérification et ébauche des rapports de vérification
23	Exemption - Solicitor-client privilege	Exception - Secret professionnel des avocats
24	Exemption - Statutory prohibitions	Exception - Interdictions réglementaires
25	Severability	Prélèvements
26	Exemption - Information to be published	Exception - Renseignements devant être publiés
27(1), (4)	Third party notification	Avis aux tiers
28(1)(b), (2), (4)	Third party notification	Avis aux tiers
29(1)	Where the Information Commissioner recommends disclosure	Recommandation du Commissaire à l'information
33	Advising Information Commissioner of third party involvement	Avis au Commissaire à l'information de la participation d'un tiers
35(2)(b)	Right to make representations	Droit de présenter des observations
37(1)	Notice of actions to implement recommendations of Commissioner	Avis des mesures pour la mise en œuvre des recommandations du Commissaire
37(4)	Access to be given to complainant	Accès accordé au plaignant
43(1)	Notice to third party (application to Federal Court for review)	Avis au tiers (demande de révision par la Cour fédérale)
44(2)	Notice to applicant (application to Federal Court by third party)	Avis à la personne qui a fait la demande (demande de révision par la Cour fédérale faite par un tiers)
52(2)(b), (3)	Special rules for hearings	Règles spéciales concernant les audiences
71(1)	Facilities for inspection of manuals	Salles publiques de consultation des manuels
72	Report to Parliament	Rapport au Parlement

**ACCESS TO INFORMATION REGULATIONS
RÈGLEMENT SUR L'ACCÈS À L'INFORMATION**

Section Article	Powers, Duties or Functions	Pouvoirs, attributions ou fonctions
6(1)	Transfer of request	Transmettre une demande
7(2)	Search and preparation fees	Frais de recherche et de préparation
7(3)	Production and programming fees	Frais liés à la production et aux programmes
8	Providing access to record(s)	Donner accès au(x) dossier(s)
8.1	Limitations in respect of format	Restrictions applicables au support



Defence Construction Canada
Construction de Défense Canada

ACCESS TO INFORMATION ACT AND PRIVACY ACT DELEGATION ORDER

ARRÊTÉ DE DÉLÉGATION EN VERTU DE LA LOI SUR L'ACCÈS À L'INFORMATION ET DE LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

By means of this Order, I, Derrick Cheung, as President and Chief Executive Officer (CEO) of Defence Construction (1951) Limited, operating as Defence Construction Canada (DCC), delegate the authority herein described to the Director, Governance and Legal Affairs and Corporate Secretary, as follows:

- I. The Director, Governance and Legal Affairs and Corporate Secretary, may, on my behalf, exercise or perform any of the powers, duties or functions as they relate to the administration of the *Access to Information Act* (ATIA) and the *Privacy Act* (PA) and associated Regulations.
- II. This delegation is made pursuant to section 73 (as amended) of the ATIA and the PA and is subject thereto.
- III. This delegation is effective immediately and shall run until revoked by me or my successor.
- IV. The powers, duties or functions delegated by means of this Order are not subject to sub-delegation without my prior and express written consent.

Par la présente, je, soussigné Derrick Cheung, président et premier dirigeant de Construction de défense (1951) Limitée communément appelée Construction de Défense Canada (CDC), délègue les pouvoirs décrits ci-dessous à la directrice, Gouvernance et Affaires juridiques et secrétaire de la Société :

- I. La directrice, Gouvernance et Affaires juridiques et secrétaire de la Société, est autorisée à exercer les attributions liées à l'administration de la *Loi sur l'accès à l'information* (LAI) et la *Loi sur la protection des renseignements personnels* (LPRP) et aux règlements y relatifs, en mon nom.
- II. Cette délégation de pouvoirs est accordée en vertu de l'article 73 (tel que modifié) de la LAI et de la LPRP, et leur est assujettie.
- III. Cette délégation de pouvoirs prend effet immédiatement et restera en vigueur jusqu'à ce qu'elle soit révoquée par moi-même ou par mon successeur.
- IV. Les attributions déléguées en vertu de cet arrêté ne sont pas sujettes à une subdélégation sans mon consentement écrit, exprès et préalable.

ORIGINAL SIGNED BY | ORIGINAL SIGNÉ PAR

DERRICK CHEUNG, LL.M., MBA, MA
PRESIDENT AND CEO, DCC | PRÉSIDENT ET PREMIER DIRIGEANT, CDC

DATED | DATÉ : SEPT. 11, 2019

Acknowledged and agreed | Reconnu et accepté :

ORIGINAL SIGNED BY | ORIGINAL SIGNÉ PAR

ALISON LAWFORD, LL.B., LL.M.
DIRECTOR, GOVERNANCE AND LEGAL AFFAIRS AND CORPORATE SECRETARY,
DCC | DIRECTRICE, GOUVERNANCE ET AFFAIRES JURIDIQUES ET SECRÉTAIRE
DE LA SOCIÉTÉ, CDC

DATED | DATÉ : SEPT. 11, 2019



Defence Construction Canada
Construction de Défense Canada

ACCESS TO INFORMATION ACT AND PRIVACY ACT DELEGATION ORDER

ARRÊTÉ DE DÉLÉGATION EN VERTU DE LA LOI SUR L'ACCÈS À L'INFORMATION ET LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

By means of this Delegation Order (Order), I, Derrick Cheung, as President and Chief Executive Officer (CEO) of Defence Construction (1951) Limited, operating as Defence Construction Canada (DCC), delegate the authority herein described to the Director, Governance and Legal Affairs and Corporate Secretary, as follows:

- I. The Director, Governance and Legal Affairs and Corporate Secretary, may, on my behalf, exercise or perform any of the powers, duties or functions as they relate to the administration of the *Access to Information Act* (ATIA) and the *Privacy Act* (PA) and associated Regulations.
- II. This delegation is made pursuant to section 95 of the ATIA and section 73 of the PA and is subject thereto.
- III. This Order is effective immediately and shall run until revoked by me or my successor and supersedes all previous Orders.
- IV. The powers, duties or functions delegated by means of this Order may be subdelegated to the Specialist, Access to Information and Privacy, with prior and written consent of the Director, Governance and Legal Affairs and Corporate Secretary.

Par cet Arrêté de délégation (Arrêté), je, soussigné Derrick Cheung, président et premier dirigeant de Construction de défense (1951) Limitée communément appelée Construction de Défense Canada (CDC), délègue les pouvoirs décrits ci-dessous à la directrice, Gouvernance et Affaires juridiques et secrétaire de la Société :

- I. La directrice, Gouvernance et Affaires juridiques et secrétaire de la Société, est autorisée à exercer les attributions liées à l'administration de la *Loi sur l'accès à l'information* (LAI) et la *Loi sur la protection des renseignements personnels* (LPRP) et aux règlements y relatifs, en mon nom.
- II. Cette délégation de pouvoirs est accordée en vertu de l'article 95 de la LAI et de l'article 73 de la LPRP, et leur est assujettie.
- III. Cet Arrêté prend effet immédiatement et restera en vigueur jusqu'à ce qu'il soit révoqué par moi-même ou par mon successeur et il remplace tout Arrêté qui le précède.
- IV. Les attributions déléguées en vertu de cet Arrêté peuvent être sujettes à une subdélégation à la spécialiste, Accès à l'information et protection des renseignements, moyennant le consentement écrit et préalable de la directrice, Gouvernance et Affaires juridique et secrétaire de la Société.

ORIGINAL SIGNED BY | ORIGINAL SIGNÉ PAR

DERRICK CHEUNG, LL.M., MBA, MA
PRESIDENT AND CEO, DCC | PRÉSIDENT ET PREMIER DIRIGEANT, CDC

DATED | DATÉ : DEC. 19, 2019

Acknowledged and agreed | Reconnu et accepté :

ORIGINAL SIGNED BY | ORIGINAL SIGNÉ PAR

ALISON LAWFORD, LL.B., LL.M.
DIRECTOR, GOVERNANCE AND LEGAL AFFAIRS AND CORPORATE SECRETARY,
DCC | DIRECTRICE, GOUVERNANCE ET AFFAIRES JURIDIQUES ET SECRÉTAIRE
DE LA SOCIÉTÉ, CDC

DATED | DATÉ : DEC. 19, 2019

**APPENDIX B:
STATISTICAL
REPORT ON THE
*ACCESS TO
INFORMATION ACT***

Statistical Report on the Access to Information Act

Name of institution: Defence Construction Canada

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	10
Outstanding from previous reporting period	3
Total	13
Closed during reporting period	10
Carried over to next reporting period	3

1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	0
Business (private sector)	6
Organization	1
Public	3
Decline to Identify	0
Total	10

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	
8	3	1	0	0	0	0	12

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	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	3	0	2	0	5
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	3	0	0	0	0	0	0	3
Request transferred	1	0	0	0	0	0	0	1
Request abandoned	0	0	0	0	0	0	1	1
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	4	0	0	3	0	2	1	10

3.2 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)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	1	20.2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	1
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	1
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	1
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)	0	22	0
15(1)	0	16.1(1)(d)	0	19(1)	5	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	0
15(1) - Def.*	1	16.3	0	20(1)(b)	3	23.1	0
15(1) - S.A.*	0	16.31	0	20(1)(b.1)	0	24(1)	4
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(c)	4	26	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(d)	1		
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)	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

3.4 Format of information released

Paper	Electronic	Other
1	4	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
1,397	687	6

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	0	0	0	0	0	0	0	0	0	0
Disclosed in part	2	104	3	583	0	0	0	0	0	0
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	1	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	2	104	3	583	1	0	0	0	0	0

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	5	0	0	0	5
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	1	0	0	0	1
Neither confirmed nor denied	0	0	0	0	0
Total	6	0	0	0	6

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	9
Percentage of requests closed within legislated timelines (%)	90

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
1	0	1	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	1	1
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	0	1	1

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	0	0	0	0
Disclosed in part	3	0	3	4
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	1	0	1	1
Total	4	0	4	5

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	0	0
31 to 60 days	1	0	0	5
61 to 120 days	2	0	2	0
121 to 180 days	1	0	2	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	4	0	4	5

Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Requests	Amount	Requests	Amount
Application	9	\$45	1	\$5
Other fees	0	\$0	0	\$0
Total	9	\$45	1	\$5

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	14	1,987	1	604
Outstanding from the previous reporting period	1	41	0	0
Total	15	2,028	1	604
Closed during the reporting period	15	2,028	1	604
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	3	1	0	0	0	0	0	4
Disclose in part	4	1	6	0	0	0	0	11
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	7	2	6	0	0	0	0	15

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	1	0	0	0	0	0	1
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	1	0	0	0	0	0	1

Section 7: Completion Time of Consultations on Cabinet Confidences

7.1 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

7.2 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

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	\$103,293
Overtime	\$0
Goods and Services	\$0
• Professional services contracts	\$0
• Other	\$0
Total	\$103,293

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	1.15
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	1.15

**APPENDIX C:
SUPPLEMENTAL
STATISTICAL REPORT
ON THE *ACCESS TO
INFORMATION ACT*–
REQUESTS AFFECTED BY
COVID-19 MEASURES**

Supplemental Statistical Report on the *Access to Information Act*

Table 1 – Requests Received

	Number of requests
Received from 2019-04-01 to 2020-03-13	10
Received from 2020-03-14 to 2020-03-31	0
Total	10

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	9	1
Received from 2020-03-14 to 2020-03-31	0	0
Total	9	1

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	3
Requests received from 2020-03-14 to 2020-03-31 that were carried over to the 2020-2021 reporting period	0
Total	3