



National
Defence

Défense
nationale



CANADIAN
ARMED FORCES

Annual Report to Parliament | 2019-2020

Administration of the *Access to Information Act*

Department of National Defence and the Canadian Armed Forces



CONTENTS

1.	INTRODUCTION	1
1.1.	Purpose of the Access to Information Act	1
2.	ACCESS TO INFORMATION AND PRIVACY AT NATIONAL DEFENCE.....	1
2.1.	Mandate of National Defence.....	1
2.2.	National Defence organization	2
2.3.	The Directorate of Access to Information and Privacy.....	4
3.	HIGHLIGHTS OF THE STATISTICAL REPORT	5
3.1.	Informal requests processed	6
3.2.	Requests received.....	6
3.3.	Requests completed	7
3.4.	Consultations received and completed.....	10
4.	COVID-19 IMPACTS TO ATI OPERATIONS	11
5.	COMPLAINTS, AUDITS AND REVIEWS	12
5.1.	Complaints from the Office of the Information Commissioner.....	12
5.2.	Court decisions	13
6.	POLICIES AND PROCEDURES	14
6.1.	Departmental policies.....	14
6.2.	Internal procedures	14
7.	TRAINING AND AWARENESS.....	14
7.1.	ATIP training program.....	14
7.2.	Training and awareness activities	15
7.3.	Continuous Learning.....	15
8.	INITIATIVES AND PROJECTS	15
8.1.	Engagement with Defence organizations	15
8.2.	Amendments to the <i>Access to Information Act</i>	16
8.3.	Backlog Reduction Team.....	16
8.4.	Technological Improvements.....	16
9.	MONITORING COMPLIANCE	17
10.	ACCESS TO INFORMATION FEES AND OPERATING COSTS	18
10.1.	Reporting on ATI fees for the purposes of the Services Fees Act.....	18
	ANNEX A: DESIGNATION ORDER	A-1
	ANNEX B: STATISTICAL REPORT ON THE ACCESS TO INFORMATION ACT FOR 2019-2020	B-1
	ANNEX C: SUPPLEMENTAL STATISTICAL REPORT ON THE ACCESS TO INFORMATION ACT FOR 2019-2020	C-1

1. INTRODUCTION

The Department of National Defence and the Canadian Armed Forces are pleased to present to Parliament their annual report on the administration of the [Access to Information Act](#)¹ (*ATI Act*). Section 94 of the *ATI Act* requires the head of every federal government institution to submit an annual report to Parliament on the administration of the Act each financial year. This report describes National Defence activities that support compliance with the Act for the fiscal year (FY) commencing 1 April 2019 and ending 31 March 2020.

1.1. Purpose of the Access to Information Act

The purpose of the *ATI Act* is to enhance the accountability and transparency of federal institutions in order to promote an open and democratic society and to enable public debate on the conduct of those institutions. In furtherance of that purpose:

- Part 1 of the Act extends the present laws of Canada to provide a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific and that decisions on the disclosure of government information should be reviewed independently of government; and
- Part 2 of the Act sets out requirements for the proactive publication of information.

2. ACCESS TO INFORMATION AND PRIVACY AT NATIONAL DEFENCE

2.1. Mandate of National Defence

Who we are

The Department of National Defence (DND) and the Canadian Armed Forces (CAF) make up the largest federal government department. Under Canada's defence policy, the Defence Team will grow to over 125,000 personnel, including 71,500 Regular Force members, 30,000 Reserve Force members and 25,000 civilian employees.

What we do

DND and the CAF have complementary roles to play in providing advice and support to the Minister of National Defence, and implementing Government decisions regarding the defence of Canadian interests at home and abroad.

¹ <https://laws-lois.justice.gc.ca/eng/acts/A-1/>

At any given time, the Government of Canada can call upon the CAF to undertake missions for the protection of Canada and Canadians and to maintain international peace and stability.

Canada's defence policy presents a strategic vision for defence: [Strong, Secure, Engaged](#).² This is a vision in which Canada is:

Strong at home, with a military ready and able to defend its sovereignty, and to assist in times of natural disaster, support search and rescue, or respond to other emergencies.

Secure in North America, active in a renewed defence partnership in the North American Aerospace Defense Command (NORAD) and with the United States to monitor and defend continental airspace and ocean areas.

Engaged in the world, with the Canadian Armed Forces doing its part in Canada's contributions to a more stable, peaceful world, including through peace support operations and peacekeeping.

The National Defence Act (NDA) establishes DND and the CAF as separate entities, operating within an integrated National Defence Headquarters as they pursue their primary responsibility of providing defence for Canada and Canadians.

2.2. National Defence organization

Senior leadership

The Governor General of Canada is the Commander-in-Chief of Canada. DND is headed by the Minister of National Defence. The Associate Minister of National Defence supports the Minister of National Defence. The Deputy Minister of National Defence is the Department's senior civil servant. The CAF are headed by the Chief of the Defence Staff, Canada's senior serving officer. These senior leaders each have different responsibilities:

- The Governor General is responsible for appointing the Chief of the Defence Staff on the recommendation of the Prime Minister, awarding military honours, presenting colours to CAF regiments, approving new military badges and insignia, and signing commission scrolls;
- The Minister of National Defence presides over the Department and over all matters relating to national defence;
- The Associate Minister is also responsible for defence files, as mandated by the Prime Minister, with the specific priority of ensuring that CAF members have the equipment they need to do their jobs;
- The Deputy Minister is responsible for policy, resources, interdepartmental coordination and international defence relations; and

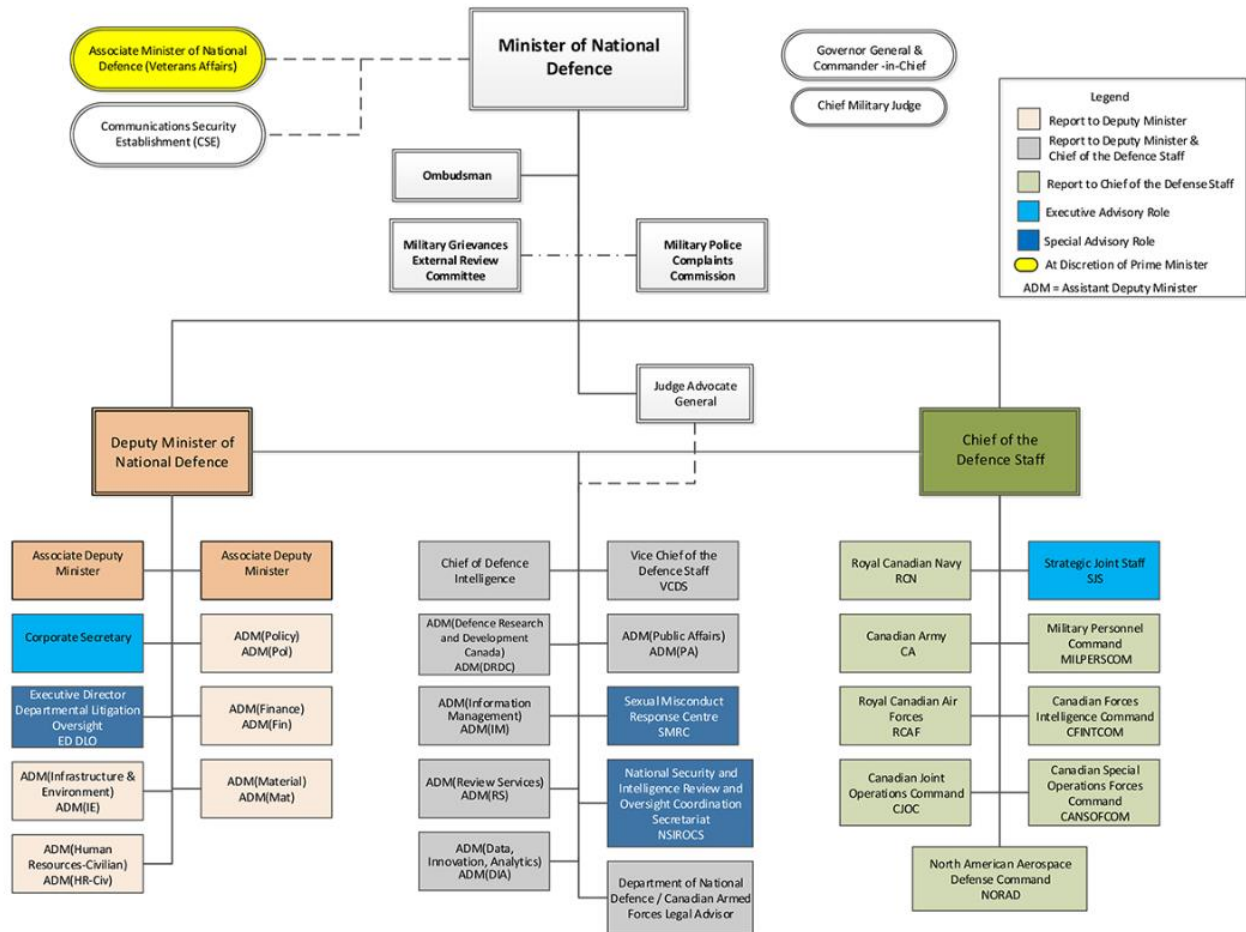
² https://www.canada.ca/en/department-national-defence/corporate/policies-standards/canada-defence-policy.html?utm_source=dgpaapp&utm_medium=referral&utm_campaign=redirect

- The Chief of the Defence Staff is responsible for command, control and administration of the CAF, as well as military strategy, plans and requirements.

Defence organization

The National Defence organizational structure is represented in the diagram below. Additional information about the National Defence organization is available [online](#).³

FIGURE 1: NATIONAL DEFENCE ORGANIZATION CHART



³ <https://www.canada.ca/en/department-national-defence/corporate/organizational-structure.html>

2.3. The Directorate of Access to Information and Privacy

Delegation of authority

In accordance with section 95(1) of the *Access to Information Act*, a delegation of authority, signed by the Minister, designates the Deputy Minister, Corporate Secretary, Access to Information and Privacy (ATIP) Director, and ATIP Deputy Directors to exercise all powers and functions of the Minister, as the head of institution under the Act. It also designates other specific powers and functions to employees within the Directorate Access to Information and Privacy (DAIP).

Under the authority of the Corporate Secretary, the ATIP Director administers and coordinates the *Access to Information Act* and the *Privacy Act*, and acts as the departmental ATIP Coordinator. In the administration of the Act, the ATIP Directorate seeks advice on legal, public affairs, policy, and operational security matters from other organizations and specialists as required.

A copy of the *Access to Information Act* and *Privacy Act* Designation Order is provided at Annex A.

The ATIP Directorate

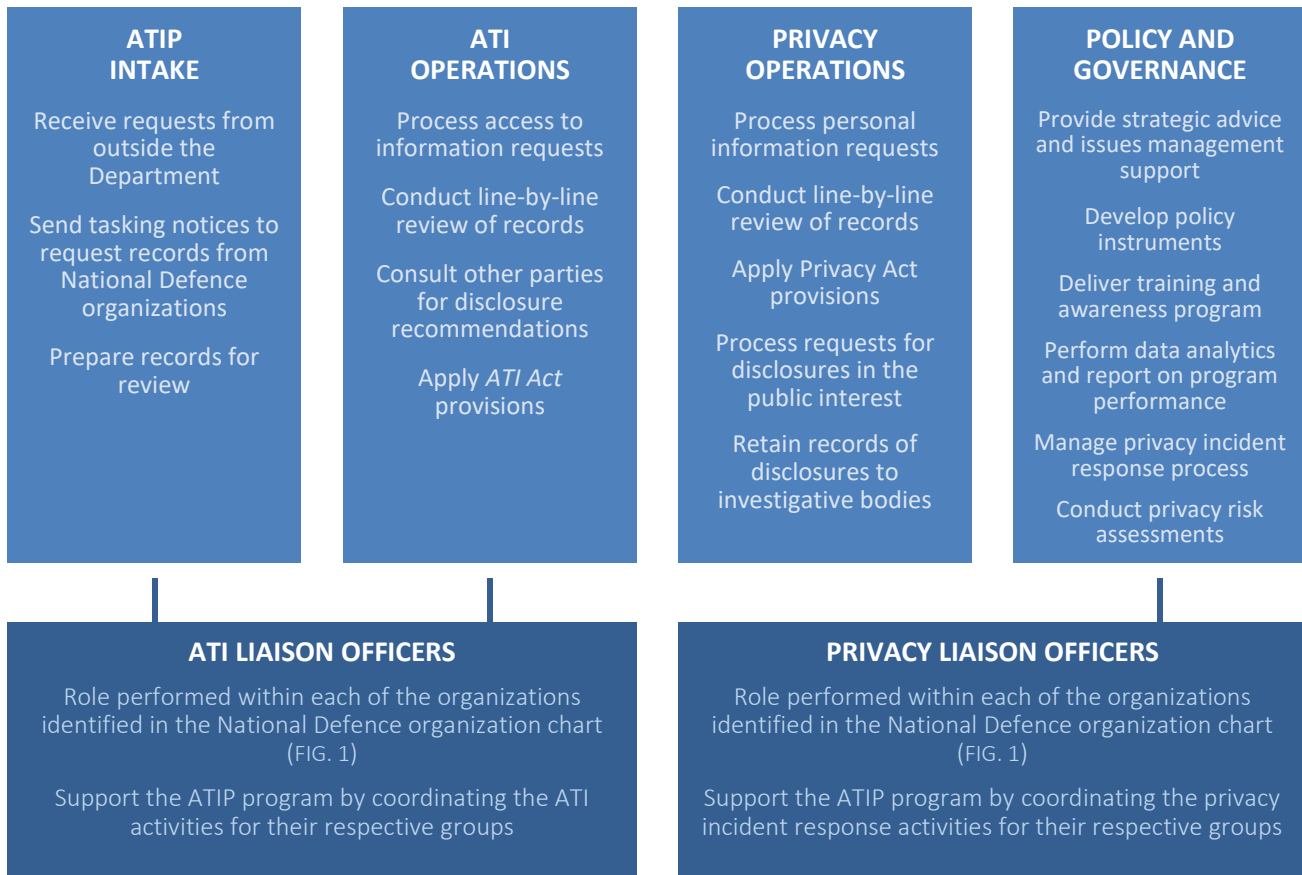
The ATIP Directorate is responsible for matters regarding access to information and privacy protection within the National Defence portfolio, except in the case of the following organizations: the Military Police Complaints Commission, the Military Grievances External Review Committee, the Office of the National Defence and Canadian Forces Ombudsman, the Office of the Chief Military Judge and the Director of Defence Counsel Services, and the Canadian Forces Morale and Welfare Services.

As a result of ATIP program review, the ATIP Directorate conducted an organization review and design exercise supported by Human Resources and staff which resulted in organizational changes aimed to increase efficiencies, build a robust support system and to streamline Access Operations. The Director Access to Information and Privacy was elevated to an Executive Director level position and a new Chief of Operations position was created to oversee all ATI Operations from intake to disclosure. The System Liaison Team was staffed with a Database Administrator to support case management and redaction software and a Corporate Services Manager position was created to ensure strengthened oversight of our financial and human resources.

The Chief of Operations position established a centralized leadership role which ensures consistency across teams, quality assurance activities for data and compliance to processes, tracking performance as well as monitoring for the identification of trends and horizontal issues. The ATIP Intake team, Systems Liaison Team and ATI Operations teams report to Chief of Operations. The Chief of Operations, Privacy Operations, Policy and Governance Team and the Chief of Staff report to the Executive Director.

The Directorate's ATIP program management workforce is divided functionally into four main areas, and supported by Defence organization liaison officers, as illustrated in the diagram at FIGURE 2.

FIGURE 2: NATIONAL DEFENCE ATIP OPERATIONAL WORKFORCE



The ATIP Directorate is supported by a Systems Liaison Team that maintains the ATIP application system and database, and a Business Management Office that is responsible for business planning, budgeting, human resources, physical security, and other administrative duties.

In response to a key National Defence priority, the ATIP Directorate maintained a Litigation Support Team. This unit performs an ATIP-like review of records in support of class action settlements such as the LBGT Class Action and the DND/CAF Sexual Misconduct Class Action settlements.

3. HIGHLIGHTS OF THE STATISTICAL REPORT

The statistical report at ANNEX B consists of data submitted by National Defence as part of the Treasury Board Secretariat (TBS) annual collection of ATIP-related statistics. The following sections contain highlights, trends and an analysis of notable statistical data from a departmental perspective.

3.1. Informal requests processed

In FY 2019-2020, National Defence responded to 246 informal requests, 149 of these were completed in 30 days or less representing a production efficiency increase approaching 10%. An informal request is a request for information made to a government institution subject to the *ATI Act* that is either not made or not processed under the Act. To support increased transparency and the principles of Open Government, National Defence encourages informal access to records wherever possible.

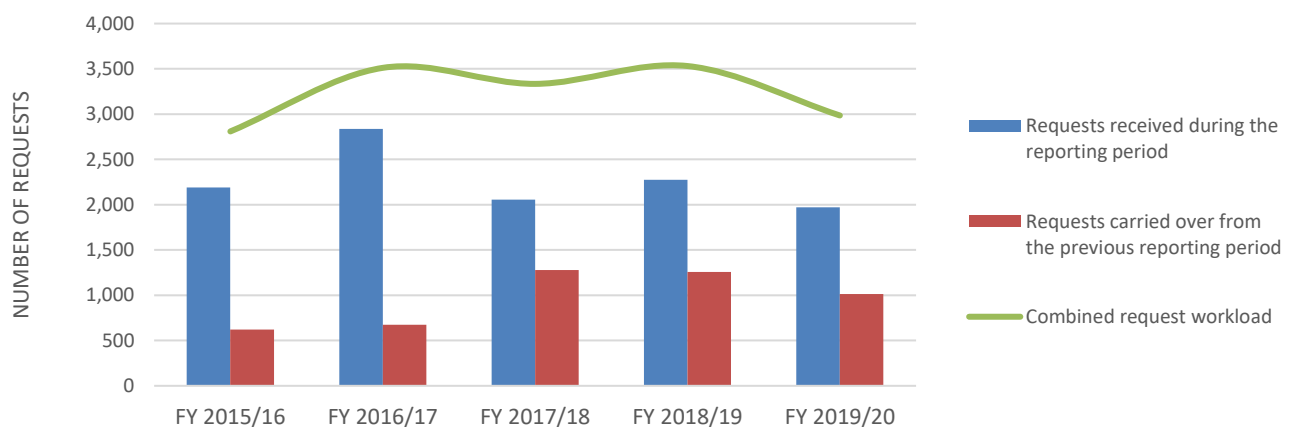
Informal requests reported in this section include:

- Formal requests that were discontinued in favour of providing information informally, in consultation with the requester as part of the Duty to Assist;
- Advising requesters when information is already publicly available online; and
- The re-release of information made available through previously closed formal requests. A listing of ATI requests completed by National Defence is available on the [Open Government portal](#).⁴

3.2. Requests received

In FY 2019-20, DND/CAF received 1,972 new ATI requests, a 15% reduction in requests from the previous reporting period. Combined with a carry-over of 1,013 files from FY 2018-19, this represents a total ATI workload of 2,985 requests during this reporting period. The number of request files carried over decreased from 1256 requests in FY 2018-19 to 1013 in the current reporting period.

FIGURE 3: ATI REQUEST WORKLOAD (LAST FIVE YEARS)



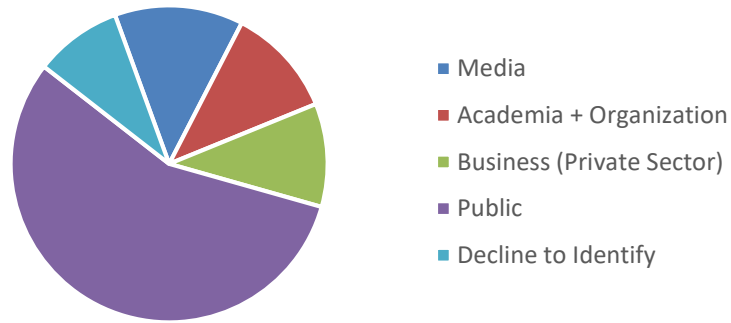
⁴ <https://open.canada.ca/en/search/ati>

Since FY 2011-2012, National Defence has ranked in the top five federal institutions for highest volume of requests received according to annual statistics compiled by Treasury Board Secretariat (TBS).

Sources of requests

The general public remains the largest source of requests, accounting for over half of all requests received. The remaining sources of requests were more evenly distributed across the remaining categories than noted in previous reporting periods.

FIGURE 4: SOURCES OF REQUESTS RECEIVED (FY 2019-2020)

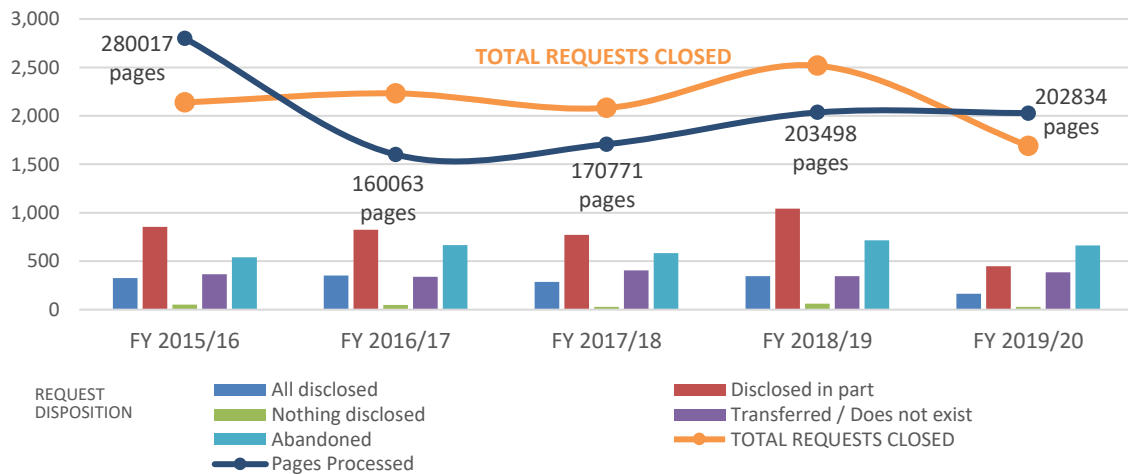


3.3. Requests completed

A total of 1,691 requests were completed during the reporting period, 827 fewer requests than in FY 2018-19 representing a 33% decrease. Even though fewer requests were completed this FY, the total pages processed remained consistent with the previous reporting period which is indicative of a steady workload year over year.

One request was closed during FY 2019-20 in which National Defence neither confirmed nor denied the existence of the records, in accordance with subsection 10(2) of the ATI Act. Defence only invokes this provision in those limited circumstances where the mere confirmation of a record’s existence (or non-existence) would reveal information that could be protected under the ATIA. Typically, these situations relate to the defence of Canada or the possible disclosure of personal information.

FIGURE 5: DISPOSITION OF REQUESTS COMPLETED AND TOTAL REQUESTS CLOSED (LAST FIVE YEARS)



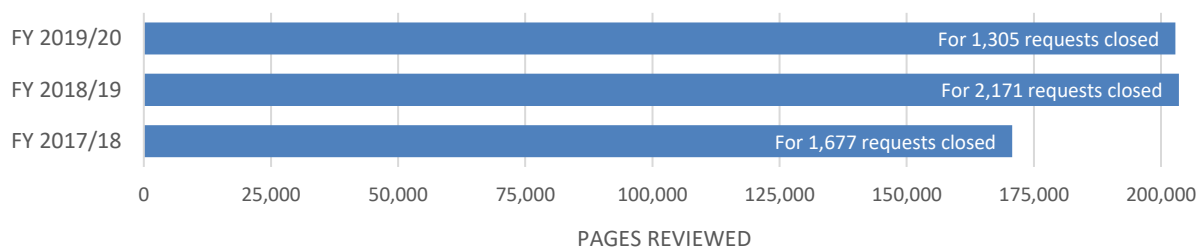
A number of requests (531) were abandoned within the first 15 days primarily as a result of the TBS ATIP Online Request initiative where a large number of requests for personal information were submitted under the *ATI Act*. These files were initially opened as ATI requests but were determined to be more appropriately administered under the *Privacy Act*.

Pages reviewed

While there was a decrease in the number of requests processed during this reporting period, the volume of pages reviewed remained consistent with the number of pages reviewed during the last reporting period; with 202,834 pages processed during the reporting period – representing only a 0.3% decrease in pages processed as compared to FY 2018-19.

The number of pages reviewed represents the total processed pages for closed requests and does not include the number of pages processed for requests that were carried over into the next reporting period.

FIGURE 6: NUMBER OF PAGES REVIEWED FOR REQUESTS CLOSED WHERE RECORDS EXISTED (LAST THREE YEARS)



Exemptions and exclusions

Consistent with the previous reporting period, in FY 2019-20, Defence applied the majority of exemptions under the following four sections of the *ATI Act*:

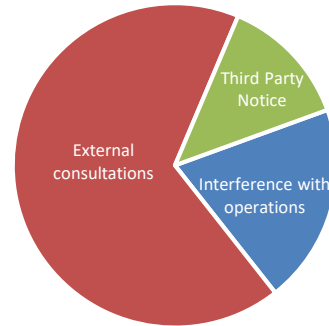
- Subsection 19(1), which protects personal information of individuals, was applied in 333 requests;
- Subsection 15(1), which protects limited and specific information concerning international affairs and defence, was applied in 246 requests
- Subsection 21(1), which protects limited and specific information concerning advice and recommendations, was applied in 223 requests; and
- Subsection 20(1), which protects proprietary third-party information, was applied in 196 requests.

Extensions

The *ATI Act* provides for extending the statutory time limits to respond to a request beyond 30 days if:

- It involves a large number of records or requires a search through a large number of records, and meeting the original time limit would unreasonably interfere with the operations of the institution
- External consultations are necessary and cannot reasonably be completed within the original time limit
- Notice to a third party is required to advise them their information is the subject of a request

FIGURE 7: REASONS FOR EXTENSION (FY 2019-2020)



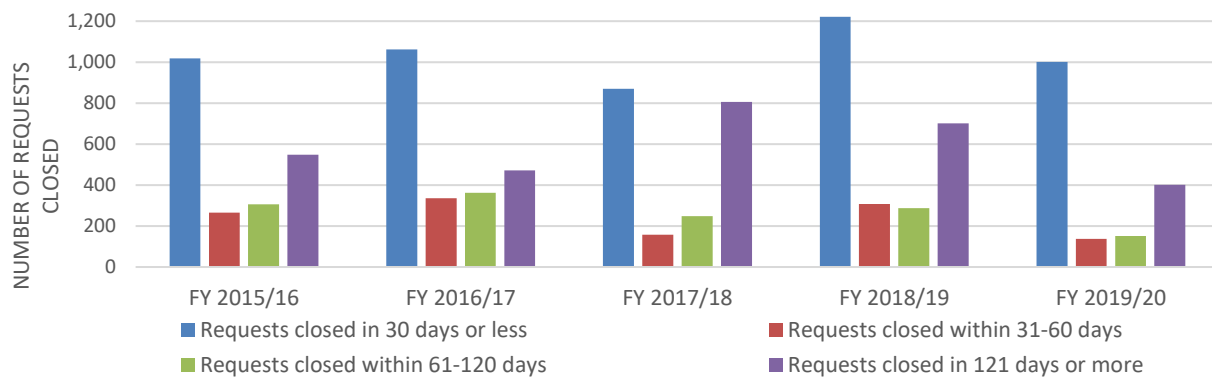
In FY 2019-20, 67% of all extensions taken for closed requests were required to conduct external consultations with other bodies such as federal government institutions, provincial or municipal governments, or international organizations or governments. The majority of extensions (78%) were for 60 days or less.

The number of extensions should not be interpreted as the number of files for which extensions are claimed. A single file could, and quite often does, qualify for multiple extensions. For example, a file could be extended because it has a large volume of records, and also be extended because consultations (one or multiple) are required. This appears in the statistical report as multiple extensions but only for a single file.

Completion time

FIGURE 8 illustrates the number of files closed within the 30 day statutory timeframe over a five year period. The Department noted a 10% increase in files closed within 30 days over the last reporting period (59% of files were closed within 30 days during this reporting period vs 49% closed within 30 days during the previous reporting period). In addition, some of these requests were abandoned in favour of processing under the *Privacy Act* and files closed beyond 30 days were not necessarily late as legal extensions may have been applied.

FIGURE 8: REQUEST COMPLETION TIME (LAST FIVE YEARS)

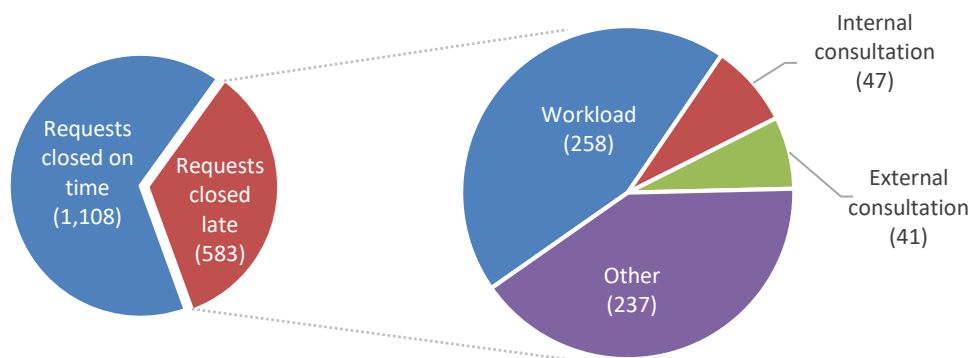


On-time compliance

Improvements in on-time compliance were realized in FY 2019-20 with National Defence responding to 66% of requests within legislated timelines which represents a 5% improvement over the last reporting period where 61% of requests were closed within legislated timelines.

Workload continued to be the most common reason for deemed refusal, cited for over 44% of requests closed late during the reporting period. FIGURE 9 illustrates the reasons contributing to late file closures in FY 2019-20.

FIGURE 9: REASONS FOR DEEMED REFUSAL (FY 2019-2020)



While Defence performance increased in this reporting period, some factors affecting performance and deemed refusal rates include:

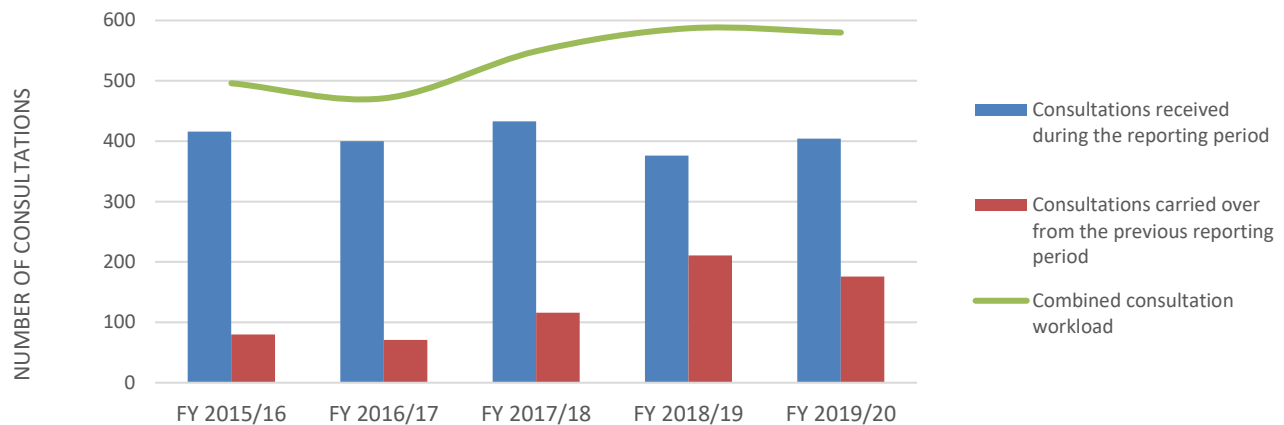
- Impacts to productivity and efficiency resulting from staffing challenges. There continues to be staff turnover at all levels due to a competitive job market. New employees require a learning and adjustment period to realize performance potential. The hiring and training of new employees also created additional workload for ATIP management and support services.

3.4. Consultations received and completed

During the reporting period, Defence received a total of 404 requests for consultation – 368 from other Government of Canada institutions and 36 from other organizations. The total workload for consultation requests increased by 7% over FY 2018-2019.

While the number of consultations received has remained relatively stable over the last five years, the Department has noted a carry-over of consultations, which has resulted in an increasing overall workload volume. National Defence had 253 consultations pending at the end of this reporting period.

FIGURE 10: ATI CONSULTATION WORKLOAD (LAST FIVE YEARS)



4. COVID-19 IMPACTS TO ATI OPERATIONS

Operation LASER

Operation [LASER](#)⁵ is the Canadian Armed Forces' response to a worldwide pandemic situation.

During Operation LASER, the CAF implemented certain measures on their personnel and Department of National Defence (DND) employees to reduce the impacts of a pandemic situation. These measures were implemented in order to maintain operational capabilities and readiness to support Government of Canada objectives and requests for assistance.

On March 13, 2020, DND/CAF initiated its Business Continuity Plan (BCP) in response to the evolving COVID-19 pandemic. A limited number of employees across the Department in positions designated as essential services worked in various office locations, while others were equipped with government supplied laptops and established connectivity to the Defence Wide Virtual Private Network (VPN) to enable them to work remotely from home.

ATIP Operations

The ATIP Operations teams assumed a telework posture. VPN access was initially limited to ensure essential DND/CAF services could be performed. In addition to limited VPN capability, the majority of ATI work requires access to secure networks to review and redact information which significantly impacted ATI Operations.

National Defence took a proactive approach to managing COVID-19 impacts to ATIP program delivery. Following TBS Guidance, applicants were notified of reduced capacity and the expectation of delays due to

⁵ <https://www.canada.ca/en/department-national-defence/services/operations/military-operations/current-operations/laser.html>

the exceptional circumstances. Individual applicants were each contacted directly to seek their consent to place request files on hold.

The COVID-19 supplemental statistical report at ANNEX C represents National Defence impacts to ATI Operations. A total of 48 requests made under the *Access to Information Act* were received during the two-week COVID-19 period in March 2020 during FY 2019-2020.

Policy & Governance

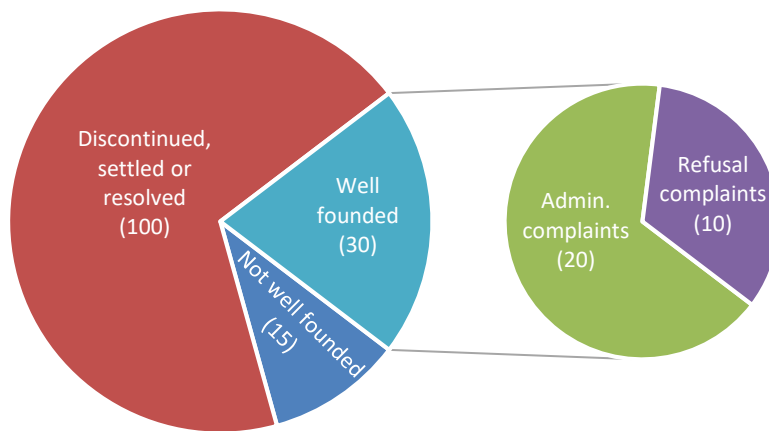
The ATIP Policy & Governance (P&G) team provides strategic advice and support to management. This includes privacy advisory services to the department for matters relating to COVID-19 activities including the collection, use and disclosure of personal information relating to COVID-19 tracking. The P&G team assumed a telework posture with limited VPN connectivity during the initial COVID BCP period.

5. COMPLAINTS, AUDITS AND REVIEWS

5.1. Complaints from the Office of the Information Commissioner

In FY 2019-20, National Defence received a total of 216 complaints from the Office of the Information Commissioner (OIC). The number of complaints received increased as compared to 143 requests received in the previous reporting period; however, it is notable that the number of well-founded complaints has decreased from 54 that were well-founded in FY 2018-19 to 30 well founded complaints this reporting period.

FIGURE 11: OIC FINDINGS AND NATURE OF WELL-FOUNDED COMPLAINTS (FY 2019-2020)



Statistical reporting requirements for complaints and investigations with the OIC are noted below:

- Section 32: When the OIC gives formal notice of their intention to investigate a complaint regarding the processing of a request under the Act. Defence received 216 such notices during FY 2019-20.

- Section 35: When the OIC requests further representations from institutions pursuant to an ongoing complaint investigation. Defence provided 4 such formal written representations to the OIC during the reporting period.
- Section 37: When the OIC issues a findings report for a well-founded complaint upon conclusion of an investigation. During the reporting period, 30 complaints were found to have merit which is a significant reduction from 54 complaints that were well founded in the previous reporting period. The 30 well-founded complaints represent 21% of the total findings (145) issued in FY 2019-2020. In comparison, there were 54 well-founded complaints which represented 36% of the total findings (149) that were issued in FY 2018-2019. Note that these complaints are not necessarily from the 216 complaints received during the reporting period. Of the 30 well-founded determinations, 20 were administrative in nature (about delays and time extensions) and 10 were refusal complaints (regarding application of exemptions or possible missing records).

Systemic Investigation

In December 2018, the Information Commissioner initiated a systemic investigation into the processing of access requests during the period from January 1, 2017, to December 21, 2018. As noted in the OIC final report, National Defence fully cooperated throughout the investigation.

In January 2020, the OIC issued the Final Report of Findings to the Department which contained 9 specific findings and their associated recommendations. The Department agrees with all 9 recommendations and has developed a Management Action Plan that will address these and will be implemented in FY 2020-2021.

Complaints Team

The ATIP Directorate continued to operate a dedicated team to manage complaints from the Office of the Information Commissioner (OIC). This team serves as the primary point of contact between National Defence and the OIC; they continue to work closely and collaboratively to strengthen relationships and improve DND ATIP program performance.

5.2. Court decisions

In FY 2019-20, there were no court proceedings actioned in respect of requests processed by National Defence.

6. POLICIES AND PROCEDURES

6.1. Departmental policies

DND/CAF corporate administrative direction is set out in the comprehensive collection of Defence Administrative Orders and Directives (DAOD) that are issued under the authority of the Deputy Minister and the Chief of the Defence Staff.

During the reporting period, the ATIP Directorate finalized the revision of the suite of ATIP DAOD including:

- the policy on Access to Information, and
- the directive on Access to Information Requests.

The policy instruments describe authorities and responsibilities to uphold legal requirements under the ATIA. To ensure information is accessible by all, the DAOD are published on the Defence Network for DND/CAF employees and members and are available on the internet to the general public.

6.2. Internal procedures

The ATIP Directorate continues to review and update the ATI Procedure Guide to document improvements to request processing and ensure alignment with TB policies and directives.

A procedure for Reporting Allegations of Obstruction under the ATIA was finalized and implemented this reporting period. It outlines the responsibilities for ATIP employees and provides guidance on consistent practices and procedures for responding to allegations of obstruction under S. 67.1 of the ATI Act.

7. TRAINING AND AWARENESS

7.1. ATIP training program

Departmental ATIP training remained consistent during this reporting period. The previously reported three-pronged training approach was maintained, where Directorate training resources delivered the following training sessions to DND civilian and CAF military members with specific emphasis on those staff with ATIP responsibilities:

- Introductory courses (either General ATIP or Privacy Fundamentals);
- Advanced courses (either General ATIP or organization-specific content); and,
- ATIP awareness and engagement activities with the various branches and divisions.

Regional training sessions at Canadian Forces Bases Esquimalt, Edmonton, Cold Lake, Gagetown, Greenwood, Halifax, Shearwater, Kingston and Borden, were also delivered during this reporting period.

7.2. Training and awareness activities

A total of 87 face-to-face training sessions were delivered to approximately 1,559 Defence employees and CAF members on the administration of both the *Access to Information Act* and *Privacy Act*, as well as on appropriate management of personal information under the control of the institution. These training sessions were provided through participation in ATIP 101 (introductory) sessions, ATIP 201 (advanced) sessions, GCDOCS privacy-focused training, and targeted training sessions for specific Defence organizations. Most training sessions were delivered by ATIP Directorate staff in person or through video teleconference technologies, and some organizations conducted their own courses and one-on-one sessions. An example of organizations conducting their own training sessions included the 3 training events provided by the Canadian Forces Health Services group that covered a variety of Privacy topics – for a total of 135 persons trained. Defence employees and CAF members were also encouraged to take the Access to Information and Privacy Fundamentals course offered through the Canada School of Public Service.

In keeping with promoting awareness, ATIP Directorate employees also provided guidance to third parties and requesters on the requirements of the *Access to Information Act* and the *Privacy Act*, TB policies and directives, and associated institutional procedures as required.

7.3. Continuous Learning

As a result of the ATIP program review undertaken in 2017, the ATIP Directorate is fully committed to supporting the development and continuous learning for ATIP analysts. During the current reporting period, National Defence participated in a pilot project with several other government departments; *Programme de formation professionnelle en intégration en emploi des analystes fédéraux en AIPRP – 1e édition*⁶ course hosted by *L'Association des professionnels en accès à l'information et en protection de la vie privée*⁷ (AAPI). This course provides an overview of ATIP legislative considerations and is targeted at junior analysts. Four (4) ATIP analysts from National Defence participated. Additionally, a full day of professional development training was provided to all ATIP staff. The topics included personal information management, privacy incident management, the use of action codes in the ATIP case management and review of cabinet confidences.

8. INITIATIVES AND PROJECTS

8.1. Engagement with Defence organizations

An initiative to engage Defence organizations to enhance ATI performance and strengthen relationships with partner organizations was conducted in FY 2018-2019. The ATIP Directorate continued to conduct targeted training sessions during this reporting period for individuals with responsibilities for ATI activities in their

⁶ Professional training program for new or junior federal ATIP analysts – 1st edition

⁷ The Association of Access to Information and Privacy Protection Professionals

organizations. Beginning last FY and continuing throughout this reporting period, representatives from each ADM level organization received ATIP training.

8.2. Amendments to the *Access to Information Act*

To further enhance the Government's commitment to openness, transparency, and accountability a bill to amend the *Access to Information Act* received royal assent on 21 June, 2019. This represents the first changes to the ATIA since 1983. The amended legislation brought changes to the existing right of access to government information and established a new Part II of the Act.

Part II of the Act requires institutions to proactively publish specific information known to be of interest to the public, and provides greater transparency and accountability for the use of public funds. Proactive disclosures are posted on the [TBS Open Government website](#)⁸.

Implementation of Proactive Publishing Requirements

On behalf of the Corporate Secretary, the ATIP Directorate coordinated efforts with key departmental stakeholders to develop process maps and define responsibilities for each proactive publishing requirement to assist the Department to uphold its obligations under the ATIA. The ATIP Directorate plays a primary role in the review and posting of documents, including conducting internal consultations.

Promoting Awareness

A Directive was issued by the DM/CDS to describe proactive publishing obligations to the Department. Prior to royal assent, tools and reference material were provided to support the Department. Awareness sessions to further educate staff on the requirements of proactive disclosure were provided, including a series of in person training sessions to support individuals on the proactive publication of Briefing Note titles.

8.3. Backlog Reduction Team

The ATIP Directorate established a dedicated Backlog Reduction Team in October 2019. The team focused exclusively on reducing the backlog of ATI files. To date, this team has successfully reduced one third of backlogged files and continues to focus on reducing the inventory of old, large and/or complex files. This initiative enables other ATI Operations Teams to focus on on-time compliance.

8.4. Technological Improvements

Reducing Paper Records

Further to the ATIP program review initiated in 2017, National Defence continues to explore and implement technological solutions to enhance ATIP business processes. Throughout the reporting period, the ATIP

⁸ <https://open.canada.ca/en/proactive-disclosure>

Directorate laid the foundation for significant improvements in reducing paper records. Throughout the reporting period, National Defence trialed the use of shared drives to share records electronically between OPIs and the ATIP Directorate. Additionally, National Defence engaged Canada Post to use EPost as a means to replace traditional mail to release documents to applicants.

New Case Management Solution

The ATIP Directorate developed and implemented an innovative case management system to better manage the ATIP related activities outside of formal ATIP requests. This new case management system improves tracking and trend analysis for governance and compliance activities such as: the provision of advisory services pertaining to the Access to Information and Privacy Acts, Privacy Incident Management, Privacy Impact Assessment development, managing and tracking legal matters and Personal Information Disclosures. It also includes features to maintain Personal Information Banks and Info Source management in a more automated manner.

9. MONITORING COMPLIANCE

The ATIP Directorate regularly monitors and reports on a number of ATIP metrics. In FY 2019-2020, the Departmental ATIP Performance Dashboard was refined to provide better overall awareness to Defence leadership on ATIP performance and metrics. In addition, the Department continues to receive on-demand statistical reports and performance compared to previous fiscal years to identify trends. This monitoring allows the ATIP Directorate to track ATIP performance across the Department to identify potential areas for process improvements.

10. ACCESS TO INFORMATION FEES AND OPERATING COSTS

10.1. Reporting on ATI fees for the purposes of the Services Fees Act

The *Service Fees Act* (SFA) 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 SFA section 20.

<i>Enabling authority:</i>	<i>Access to Information Act</i>
<i>Fee amount for 2019-2020:</i>	\$5 application fee for each ATIA request
<i>Total revenue:</i>	\$7,415
<i>Fees waived:</i>	In accordance with the Interim Directive on the Administration of the Access to Information Act, issued on May 5, 2016, and the changes to the Access to Information Act that came into force on June 21, 2019, National Defence waives all fees prescribed by the Act and Regulations, other than the \$5 application fee set out in paragraph 7(1)(a) of the Regulations. A total of \$1,040 in fees have been waived during this reporting period.

Cost of operating the program: \$5,579,425

The cost of operations includes salaries, overtime, goods and services, contracts and all other expenses specific to the access to information office. Costs associated with time spent by program areas searching for and reviewing records are not included here.

ANNEX A: DESIGNATION ORDER

National Defence and the Canadian Armed Forces

Access to Information Act and Privacy Act Designation Order

1. Pursuant to section 73 of the *Access to Information Act* and the *Privacy Act*, the Minister of National Defence, as the head of a government institution under these Acts, hereby designates the persons holding the following positions, or the persons occupying those positions on an acting basis, to exercise or perform all of the powers, duties and functions of the head of a government institution under these Acts:

- (a) the Deputy Minister;
- (b) the Corporate Secretary;
- (c) the Director Access to Information and Privacy; and
- (d) Deputy Directors Access to Information and Privacy.

2. Pursuant to section 73 of the above-mentioned Acts, the Minister also designates the following:

(a) those persons holding the position of Access Team Leader, or the persons occupying this position on an acting basis, to exercise or perform the powers, duties and functions in respect of:

- The application of the following provisions under the *Access to Information Act*: section 9; subsections 11(2), 11(3), 11(4), 11(5), 11(6); sections 19, 20, 23 and 24; subsections 27(1) and 27(4); paragraph 28(1)(b), subsections 28(2) and 28(4); and
- The response to requests made under the *Access to Information Act* if no records exist.

(b) those persons holding the position of Privacy Team Leader, or the persons occupying this position on an acting basis, to exercise or perform any of the powers, duties and functions of the head of an institution under the *Privacy Act*, other than under sub-paragraphs 8(2)(j) and 8(2)(m); and

(c) those persons holding the position of Privacy Senior Analyst, or the persons occupying this position on an acting basis, to exercise or perform the powers and duties in respect of the application of section 26 of the *Privacy Act*.

Défense nationale et les Forces armées canadiennes

Arrêté sur la délégation en vertu de la Loi sur l'accès à l'information et la Loi sur la protection des renseignements personnels

1. En vertu de l'article 73 de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels*, le ministre de la Défense nationale, à titre de responsable d'une institution fédérale aux termes desdites lois, délègue par les présentes l'autorité d'exercer les attributions d'un responsable d'une institution fédérale que lui confèrent les lois en question aux titulaires des postes indiqués ci-après, ou aux personnes occupant ces postes à titre intérimaire :

- (a) le sous-ministre;
- (b) le Secrétaire général;
- (c) le Directeur – Accès à l'information et protection des renseignements personnels;
- (d) les Directeurs adjoints – Accès à l'information et protection des renseignements personnels.

2. En vertu de l'article 73 des lois susmentionnées, le ministre délègue aussi :

(a) aux titulaires d'un poste de chef d'équipe de l'accès à l'information, ou aux personnes occupant un tel poste à titre intérimaire, l'autorité d'exercer les attributions relatives à ce qui suit :

- L'application de certaines dispositions de la *Loi sur l'accès à l'information*, à savoir l'article 9; les paragraphes 11(2), 11(3), 11(4), 11(5) et 11(6); les articles 19, 20, 23 et 24; les paragraphes 27(1) et 27(4); l'alinéa 28(1)b), et les paragraphes 28(2) et 28(4);
- La réponse fournie aux demandes présentées en vertu de la *Loi sur l'accès à l'information*, lorsqu'il n'existe aucun dossier.

(b) aux titulaires d'un poste de chef d'équipe des renseignements personnels, ou aux personnes occupant un tel poste à titre intérimaire, l'autorité d'exercer les attributions du responsable d'une institution fédérale aux termes de la *Loi sur la protection des renseignements personnels*, sauf celles prévues aux alinéas 8(2)(j) et m);

(c) aux titulaires d'un poste d'analyste principal, ou aux personnes occupant ces postes à titre intérimaire, l'autorité d'exercer les attributions relatives à l'application de l'article 26 de la *Loi sur la protection des renseignements personnels*.

Le ministre de la Défense nationale



The Hon. Harjit S. Sajjan, PC, OMM, MSM, CD, MP

Minister of National Defence

Date: **JAN 12 2016**

ANNEX B: STATISTICAL REPORT ON THE ACCESS TO INFORMATION ACT FOR 2019-2020



Government of Canada
Gouvernement du Canada

Statistical Report on the Access to Information Act

Name of institution: National Defence

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	1972
Outstanding from previous reporting period	1013
Total	2985
Closed during reporting period	1691
Carried over to next reporting period	1294

1.2 Sources of requests

Source	Number of Requests
Media	259
Academia	104
Business (private sector)	208
Organization	118
Public	1107
Decline to Identify	176
Total	1972

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	
109	40	39	42	16	0	0	246

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

Section 2: Decline to act 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	2	60	40	34	9	11	8	164
Disclosed in part	6	55	48	71	36	80	153	449
All exempted	1	4	0	8	3	2	0	18
All excluded	0	4	2	3	0	0	2	11
No records exist	242	42	39	20	5	2	1	351
Request transferred	35	0	0	0	0	0	0	35
Request abandoned	531	19	7	16	28	15	46	662
denied	0	0	1	0	0	0	0	1
Total	817	184	137	152	81	110	210	1691

3.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	59	16(2)	26	18(a)	5	20.1	0
13(1)(b)	14	16(2)(a)	1	18(b)	7	20.2	0
13(1)(c)	8	16(2)(b)	1	18(c)	1	20.4	0
13(1)(d)	2	16(2)(c)	22	18(d)	2	21(1)(a)	100
13(1)(e)	2	16(3)	0	18.1(1)(a)	1	21(1)(b)	90
14	0	16.1(1)(a)	0	18.1(1)(b)	1	21(1)(c)	20
14(a)	0	16.1(1)(b)	10	18.1(1)(c)	1	21(1)(d)	13
14(b)	0	16.1(1)(c)	2	18.1(1)(d)	1	22	8
15(1)	1	16.1(1)(d)	0	19(1)	333	22.1(1)	8
15(1) - I.A.*	69	16.2(1)	0	20(1)(a)	1	23	62
15(1) - Def.*	174	16.3	0	20(1)(b)	89	23.1	0
15(1) - S.A.*	3	16.31	0	20(1)(b.1)	0	24(1)	33
16(1)(a)(i)	2	16.4(1)(a)	0	20(1)(c)	93	26	1
16(1)(a)(ii)	3	16.4(1)(b)	0	20(1)(d)	13		
16(1)(a)(iii)	0	16.5	0				
16(1)(b)	10	16.6	0				
16(1)(c)	2	17	4				
16(1)(d)	0						

3.3 Exclusions

Section	Requests	Section	Requests	Section	Requests
68(a)	8	69(1)	2	69(1)(g) re (a)	61
68(b)	0	69(1)(a)	5	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	18
68.1	0	69(1)(c)	3	69(1)(g) re (d)	7
68.2(a)	0	69(1)(d)	5	69(1)(g) re (e)	12
68.2(b)	0	69(1)(e)	10	69(1)(g) re (f)	2
		69(1)(f)	2	69.1(1)	2

3.4 Format of information released

Paper	Electronic	Other
154	459	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
202834	87393	1305

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	142	2376	20	4661	1	310	1	1364	0	0
Disclosed in part	260	6203	131	24016	34	15916	22	19889	2	12658
All exempted	12	0	4	0	0	0	0	0	2	0
All excluded	10	0	1	0	0	0	0	0	0	0
Request abandoned	642	0	13	0	1	0	5	0	1	0
Neither confirmed nor denied	1	0	0	0	0	0	0	0	0	0
Total	1067	8579	169	28677	36	16226	28	21253	5	12658

3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	20	0	1	1	22
Disclosed in part	203	0	75	2	280
All exempted	11	0	1	1	13
All excluded	3	0	7	0	10
Request abandoned	26	0	8	2	36
Neither confirmed nor denied	0	0	0	0	0
Total	263	0	92	6	361

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	1108
Percentage of requests closed within legislated timelines (%)	66%

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
583	258	41	47	237

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	50	18	68
16 to 30 days	23	12	35
31 to 60 days	40	19	59
61 to 120 days	66	18	84
121 to 180 days	54	16	70
181 to 365 days	49	24	73
More than 365 days	129	65	194
Total	411	172	583

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	11	1	30	4
Disclosed in part	39	4	141	27
All exempted	3	0	5	6
All excluded	0	2	4	0
No records exist	0	0	3	1
Request abandoned	8	1	14	2
Total	61	8	197	40

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	39	2	92	2
31 to 60 days	12	1	52	38
61 to 120 days	8	4	46	0
121 to 180 days	1	1	5	0
181 to 365 days	1	0	2	0
365 days or more	0	0	0	0
Total	61	8	197	40

Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	1483	\$7,415	208	\$1,040
Other fees	0	\$0	0	\$0
Total	1483	\$7,415	208	\$1,040

Section 6: Consultations Received From Other Institutions and Organizations

6.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	368	13216	36	6692
Outstanding from the previous reporting period	175	32445	1	62
Total	543	45661	37	6754
Closed during the reporting period	301	24621	26	3882
Pending at the end of the reporting period	242	21040	11	2872

6.2 Recommendations and completion time for consultations received from other

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	45	43	43	32	13	6	3	185
Disclose in part	2	2	10	21	22	13	35	105
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	1	0	0	0	0	0	0	1
Other	3	1	1	3	0	1	1	10
Total	51	46	54	56	35	20	39	301

6.3 Recommendations and completion time for consultations received from other

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	3	4	2	3	0	0	15
Disclose in part	1	1	2	3	0	1	0	8
Exempt entirely	0	0	1	0	0	0	0	1
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	1	0	0	0	1	0	0	2
Total	5	4	7	5	4	1	0	26

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	52	599	4	246	0	0	0	0	0	0
16 to 30	16	160	1	418	0	0	0	0	0	0
31 to 60	4	37	0	0	0	0	0	0	0	0
61 to 120	2	78	3	221	0	0	0	0	0	0
121 to 180	1	0	0	0	0	0	0	0	0	0
181 to 365	1	16	0	0	0	0	0	0	0	0
More than 365	1	12	0	0	0	0	0	0	0	0
Total	77	902	8	885	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
216	0	4	30	0	0

Section 9: Court action

9.1 Court actions on complaints received before the coming into force of Bill C-58 and on-going

Section 41 (before C-58)	Section 42	Section 44
0	0	0

9.2 Court actions on complaints received after the coming into force of Bill C-58

Section 41 (after the coming into force of Bill C-58)				
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		\$3,509,274
Overtime		\$36,393
Goods and Services		\$2,033,758
• Professional services contracts	\$1,756,852	
• Other	\$276,906	
Total		\$5,579,425

10.2 Human Resources

Resources	Access to Information
Full-time employees	47.38
Part-time and casual employees	0.12
Regional staff	0.00
Consultants and agency personnel	9.38
Students	0.38
Total	57.26

ANNEX C: SUPPLEMENTAL STATISTICAL REPORT ON THE ACCESS TO INFORMATION ACT FOR 2019-2020

Supplemental Statistical Report on the Access to Information Act

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

Table 1 – Requests Received

		Column (Col.) 1
		Number of requests
Row 1	Received from 2019-04-01 to 2020-03-13	1924
Row 2	Received from 2020-03-14 to 2020-03-31	48
Row 3	Total¹	1972

¹ – Total for Row 3 should equal the total in the ATI Statistical Report section 1.1 Row 1

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

Table 2 – Requests Closed

		Col. 1	Col. 2
		Number of requests closed within the legislated timelines	Number of requests closed past the legislated timelines
Row 1	Received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting periods	1052	582
Row 2	Received from 2020-03-14 to 2020-03-31	56	1
Row 3	Total²	1108	583

² – Total for Row 3 Col. 1 should equal the total in the ATI Statistical Report section 3.6.1

Row 1 – Total for Row 3 Col. 2 should equal the total in the ATI Statistical Report section 3.7.1. Col. 1 Row 1

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

Table 3 – Requests Carried Over

		Col. 1
		Number of requests
Row 1	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	1252
Row 2	Requests received from 2020-03-14 to 2020-03-31 that were carried over to the 2020-2021 reporting period	42
Row 3	Total³	1294

³ – Total for Row 3 should equal the total in the ATI Statistical Report section 1.1 Row 5