

2019–2020 ANNUAL REPORT
ACCESS TO INFORMATION ACT



1. INTRODUCTION

The *Access to Information Act* (the “Act”) gives Canadian citizens as well as individuals and corporations present in Canada the right to access records under the control of federal government institutions, subject to limited and specific exceptions. The Act is intended to complement existing procedures for access to government information and not to limit in any way information that is normally available to the public.

Section 72 of the Act requires the head of every federal government institution to submit a report to Parliament on the administration of the Act at their institution each fiscal year.

This report was prepared pursuant to section 72 of the Act and describes how the National Film Board of Canada (the “NFB”) administered the Act in fiscal year 2019–2020.

The NFB’s mandate is to produce and distribute distinctive, culturally diverse, challenging and relevant audiovisual works that provide Canada and the world with a unique Canadian perspective.

2. ORGANIZATIONAL STRUCTURE

In accordance with section 73 of the Act, the Minister of Canadian Heritage appoints the following individuals to administer the *Access to Information Act*.

- The Government Film Commissioner;
- The Director General, Institutional, Legal and Human Resources Services;
- The Access to Information Coordinator;
- The Legal Counsel.

The NFB has no official entity tasked with processing access to information requests. The requests are forwarded to the Access to Information Coordinator, who is part of the Business Affairs and Legal Services department.

The Access to Information Coordinator is also responsible for coordination pursuant to the *Privacy Act*.

The NFB was not party to any service agreements under section 96 of the Act during the period covered by this report.

3. DELEGATION ORDER

A copy of the Delegation Order is attached as Appendix A.

4. PERFORMANCE 2019-2020

A copy of the 2018–2019 Statistical Report is attached as Appendix B.

Percentage of requests responded to within legislated timelines

From April 1, 2019 to March 31, 2020, the NFB responded to 14 requests, 13 of which were fully processed within the deadlines prescribed by law (92.9%).

Multi-year trends

During the three years preceding the reporting period, the number of requests received annually by the NFB ranged from 6 to 19. Members of the public were the main source of these requests, followed by the university sector. The exceptions most often invoked in these requests are exceptions under paragraphs 19(1) and 20(1)c). During this period, no exclusion was invoked.

Completion times and extensions

The 14 requests fully processed by the NFB in 2019-2020 were completed within the following timeframes:

- 10 requests processed within not more than 30 days (71.42%);
- 2 requests processed within 31 to 60 days (14.29%);
- 1 request processed within 61 to 120 days (7.14%); and
- 1 request processed within 121 to 180 days (7.14%).

Consultations

In 2019–2020, the NFB processed a total of 2 consultation requests. These requests, which originated from other Government of Canada institutions, were processed in not more than 15 days.

Impact of COVID-19-related measures on the ability to fulfil the responsibilities imposed by the Act

NFB management decided to make teleworking compulsory for all staff as of March 15, 2020. Since then, activities related to the administration of the Act have been carried out remotely. As a result of COVID-19-related personal constraints on the sole employee responsible for processing applications, and the fact that the activities of some offices of primary interest have been slowed down and consultation deadlines with other federal institutions have been extended, the NFB's capacity to process requests is somewhat slowed down.

5. REPORTING ON ACCESS TO INFORMATION FEES FOR THE PURPOSES OF THE SERVICE FEES ACT

The *Service Fees Act* requires a responsible authority to report annually to Parliament on the fees collected by the institution. With respect to fees collected under the *Access to Information Act*, the information below is reported in accordance with the requirements of section 20 of the *Service Fees Act*.

- Enabling authority: *Access to Information Act*;
- Fee amount: \$5. This is the application fee for an access to information request payable pursuant to subsection 7 (1) (a) of the *Access to Information Regulations*;
- Total revenue: \$65;
- Fees waived: the application fee of \$5 for an access to information request was waived;
- Cost of operating the program: \$50,744.

6. TRAINING AND AWARENESS

All new NFB employees are required to take the online course "Access to Information and Privacy (ATIP)" I015, from the Canada School of Public Service.

7. POLICIES, GUIDELINES, PROCEDURES AND INITIATIVES

In this reporting period, no new organizational policies or procedures relating to the administration of the Act were implemented at the NFB.

8. SUMMARY OF KEY ISSUES AND ACTIONS TAKEN ON COMPLAINTS OR AUDITS

No complaints were filed against the NFB during the year 2019–2020. The Office of the Information Commissioner of Canada is examining a complaint filed against the NFB during fiscal year 2017–2018. No audit related to the administration of the Act was conducted during the period of this report.

8. MONITORING COMPLIANCE

No tracking of the time required to process access to information requests was conducted during the period covered by this report.

Report submitted on August 13, 2020.

NATIONAL FILM BOARD OF CANADA

By: 

Claude Joli-Coeur
Government Film Commissioner and Chairperson

APPENDIX A

DELEGATION ORDER

ACCESS TO INFORMATION ACT

Office national du film du Canada
National Film Board of Canada

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

Access to Information Act and Privacy Act
Delegation Order

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et de l'article 73 de la *Loi sur la protection des renseignements personnels*, la ministre du Patrimoine canadien délègue aux titulaires des postes mentionnés ci-dessous, ainsi qu'aux personnes occupant à titre intérimaire lesdits postes, les attributions dont elle est, en qualité de responsable de l'Office national du film du Canada, investie par les dispositions de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels* ainsi que de leurs règlements. Le présent document remplace et annule tout arrêté antérieur.

The Minister of Canadian Heritage, pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the persons holding the positions set out below, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the Minister as the head of the National Film Board of Canada, under the provisions of the *Access to Information Act* and the *Privacy Act* and related regulations. This designation replaces all previous delegation orders.

Postes

1. Commissaire du gouvernement à la cinématographie — Autorité absolue
2. Directeur général, services institutionnels, services juridiques et ressources humaines – Autorité absolue
3. Coordonnateur de l'accès à l'information et de la protection des renseignements personnels — Autorité absolue
4. Conseiller juridique - Autorité absolue

Positions

1. Government Film Commissioner— Full authority
2. Director General, Institutional, Legal and Human Resources Services – Full authority
3. Access to Information and Privacy Coordinator—Full authority
4. Legal Counsel – Full authority

Daté, en la ville de GATINEAU,
ce _____ jour de

22 _____
2017

L'honorable Mélanie Joly
Ministre du Patrimoine canadien

Dated, at the City of GATINEAU, this

22nd day of _____, 2017


The Honourable Mélanie Joly
Minister of Canadian Heritage

APPENDIX B

2019–2020 STATISTICAL REPORT



Statistical Report on the Access to Information Act

Name of institution: National Film Board of 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	14
Outstanding from previous reporting period	1
Total	15
Closed during reporting period	14
Carried over to next reporting period	1

1.2 Sources of requests

Source	Number of Requests
Media	4
Academia	6
Business (private sector)	0
Organization	0
Public	4
Decline to Identify	0
Total	14

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	
3	0	1	0	0	0	0	4

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	6	0	0	1	0	0	7
Disclosed in part	0	4	1	0	0	0	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	0	0	1	0	0	0	0	1
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	1	0	0	0	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	0	10	2	1	1	0	0	14

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)	0	20,2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20,4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	0
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	0
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	0
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	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)	2	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	1	20(1)(a)	0	23	0
15(1) - Def.*	0	16,3	0	20(1)(b)	0	23,1	0
15(1) - S.A.*	0	16,31	0	20(1)(b.1)	0	24(1)	0
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(c)	1	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
0	11	1

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
1378	1368	13

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	6	91	1	215	0	0	0	0	0	0
Disclosed in part	2	48	3	1014	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	1	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	9	139	4	1229	0	0	0	0	0	0

3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	1	0	0	0	1
Disclosed in part	1	0	0	0	1
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	2	0	0	0	2

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	13
Percentage of requests closed within legislated timelines (%)	92,9

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

4.2 Length of extensions

Length of Extensions	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
30 days or less	0	0	1	0
31 to 60 days	1	0	1	0
61 to 120 days	0	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	1	0	2	0

Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Requests	Amount	Requests	Amount
Application	13	\$65	1	\$5
Other fees	0	\$0	0	\$0
Total	13	\$65	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	2	54	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	2	54	0	0
Closed during the reporting period	2	0	0	0
Carried over to next reporting period	0	54	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 Request	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
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		\$50 744
Overtime		\$0
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
Total		\$50 744

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0,70
Part-time and casual employees	0,00
Regional staff	0,00
Consultants and agency personnel	0,00
Students	0,00
Total	0,70

Note: Enter values to two decimal places.