



Public Prosecution
Service of Canada

Service des poursuites
pénales du Canada

Annual Report on the *Access to Information Act*

Public Prosecution Service of Canada

2020-2021



Annual Report on the *Access to Information Act* (Public Prosecution Service of Canada), 2020-2021

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1 Introduction

The *Access to Information Act* (the Act) came into force on July 1, 1983. The purpose of the Act is to enhance the accountability and transparency of federal government institutions in order to promote an open and democratic society and enable public debate on the conduct of those institutions. As part of that purpose, the Act provides a right of access to information found in records under the control of a government institution, in accordance with the following principles:

- Government information should be available to the public;
- Necessary exceptions to the right of access should be limited and specific; and
- Decisions on the disclosure of government information should be reviewed independently of government.

The Public Prosecution Service of Canada (PPSC) became subject to the Act when it was established as an independent organization on December 12, 2006, with the coming into force of the *Director of Public Prosecutions Act* (Part 3 of the *Federal Accountability Act*).

Pursuant to section 94 of the *Access to Information Act* and section 20 of the *Service Fees Act*, this 2020-2021 Annual Report on the Act has been prepared for tabling in the House of Commons and the Senate. This Report provides an analysis of the information contained in the PPSC's Statistical Report on the Act. In addition, it reports on emerging trends, training activities, internal policies, guidelines, and procedures with respect to the PPSC's administration of the Act.

2 The Public Prosecution Service of Canada

The PPSC's mandate is set out in the *Director of Public Prosecutions Act* (DPPA). The DPPA empowers the Director of Public Prosecutions (DPP), as Deputy Attorney General of Canada, to:

- Initiate and conduct federal prosecutions;
- Intervene in proceedings that raise a question of public interest that may affect the conduct of prosecutions or related investigations;
- Issue guidelines to federal prosecutors;
- Advise law enforcement agencies or investigative bodies on general matters relating to prosecutions and on particular investigations that may lead to prosecutions;
- Communicate with the media and the public on all matters that involve the initiation and conduct of prosecutions;
- Exercise the authority of the Attorney General of Canada in respect of private prosecutions; and

- Exercise any other power or carry out any other duty or function assigned by the Attorney General of Canada that is compatible with the office of the DPP.

The DPPA also empowers the DPP to:

- Initiate and conduct prosecutions under the *Canada Elections Act*; and
- Act, when requested by the Attorney General of Canada, in matters under the *Extradition Act* and the *Mutual Legal Assistance in Criminal Matters Act*.

The DPP has the rank and status of a deputy head of a department and, in this capacity, is responsible for the management of the PPSC as a distinct government institution.

3 The ATIP Office

The ATIP Office holds primary responsibility for the implementation and administration of the *Access to Information Act*, along with the *Privacy Act* (collectively known as ATIP). The Office deals directly with the public in relation to access to information requests, liaises with Offices of Primary Interest (the subject matter experts) to prepare responses, and serves as the centre of ATIP expertise within the PPSC.

The ATIP Office fulfills its responsibilities by:

- Processing access to information requests in accordance with the *Access to Information Act*, the *Access to Information Regulations* (the Regulations), and the Treasury Board of Canada's policies, directives, and guidelines;
- Responding to consultations submitted by other federal government institutions or other levels of government on PPSC records being considered for release, including the review of solicitor-client privilege in records related to criminal proceedings;
- Providing advice to PPSC managers and employees regarding the application and interpretation of the Act, the Regulations, and Treasury Board policies and directives;
- Reviewing PPSC policies, procedures, and agreements as well as making recommendations to ensure that they comply with the requirements of the Act;
- Monitoring the PPSC's compliance with the Act, the Regulations, and Treasury Board policies and directives;
- Communicating with investigators of the Office of the Information Commissioner of Canada to resolve complaints filed against the PPSC;
- Reviewing documents relevant to proactive publication, such as briefing note titles and contracts over \$10,000, prior to their publication on the PPSC's website, ensuring that they do not contain information that is subject to exemptions or exclusions under the Act;

- Delivering training sessions intended to familiarize the PPSC’s managers and employees with the requirements of the Act, the Regulations, and Treasury Board policies and directives;
- Updating the PPSC’s chapter of the federal government’s *Information About Programs and Information Holdings* publication (formerly known as *Info Source: Sources of Government and Employee Information*);
- Submitting an annual statistical report on the administration of the Act to the Treasury Board of Canada Secretariat (TBS);
- Preparing an annual report on the administration of the Act for tabling in both Houses of Parliament; and
- Posting summaries of completed access to information requests on the Open Government Portal.

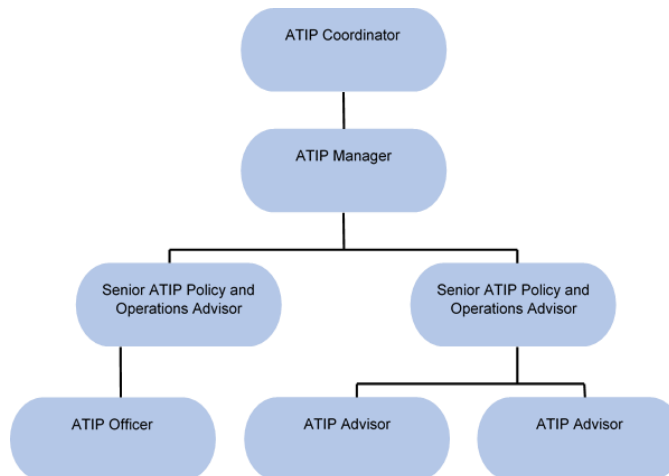
3.1 Organizational structure

As of February 2021, the Director General, Communications and Parliamentary Affairs (CPA), acts as the PPSC’s ATIP Coordinator. This role was held previously by the Executive Director, Corporate Planning and External Relations Division.

During the period from April 1, 2020, to March 31, 2021, the ATIP Office comprised a Manager, two Senior Advisors, two Advisors, and an ATIP Officer.

The following chart outlines the organizational structure of the ATIP Office on March 31, 2021:

Figure 1: Organizational structure



4 Delegated authorities

Pursuant to subsection 95(1) of the Act, the head of a government institution may designate one or more officers or employees of that institution, by order, to exercise or perform any of the powers, duties, or functions of the head of the institution under the Act.

The DPP, as the “head of institution,” has designated this authority to the Director General, CPA, as well as the Senior Director General, Corporate Services, and the ATIP Manager (Delegation Order in Appendix A). The ATIP Manager exercises this authority in the absence of the Director General, CPA. The Senior Director General, Corporate Services, exercises this authority in the absence of both the Director General, CPA, and the ATIP Manager.

5 Performance

The following section provides an overview of key data on the PPSC’s performance for the fiscal year, as reflected in the 2020-2021 Statistical Report on the Act in Appendix B of this report.

5.1 Requests received under the *Access to Information Act*

5.1.1 Number of requests

The PPSC received 33 formal access to information requests in 2020-2021, 30% fewer requests than in fiscal year 2019-2020. The decline in requests received by the PPSC, as a prosecutorial body, could be attributed to the dedicated attention of the media and the general public on the unfolding COVID-19 pandemic as well as significantly reduced activities within the court system during the first lockdowns that were implemented across the country.

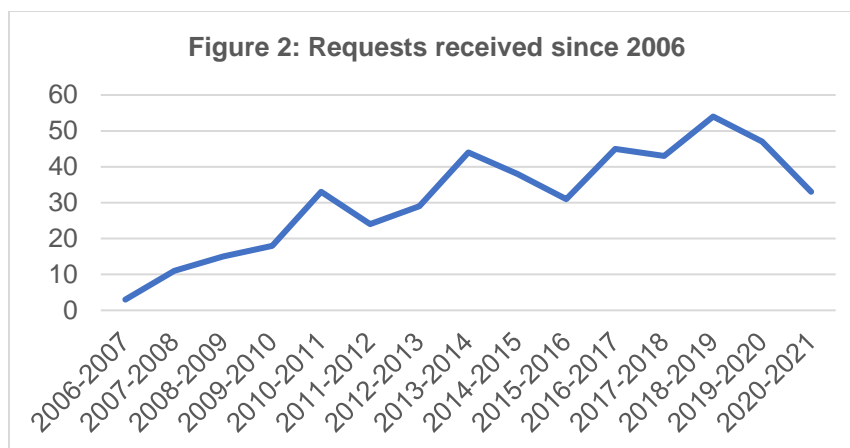
For the first reporting period ever, the PPSC completely received all of its access to information requests **online**.

This could be a consequence of the pandemic, where most business moved online, but it is also part of a larger trend of an increasingly digital ATIP service.

Additionally, three (3) requests were carried over from the previous fiscal year. Altogether, the PPSC had 36 requests to process in 2020-2021.

Since its creation in December 12, 2006, the PPSC has received 468 access to information requests in total. Despite the current reporting period and some fluctuations throughout, the overall number of requests received each fiscal year has continued to increase.

The following chart illustrates this trend:



Note: As the PPSC was created on December 12, 2006, data for 2006-2007 only reflects a three-month period. Additionally, since 2014-2015, the number of requests received no longer includes those that are treated informally. These requests are now reported separately as informal requests.

5.1.2 Subject matter

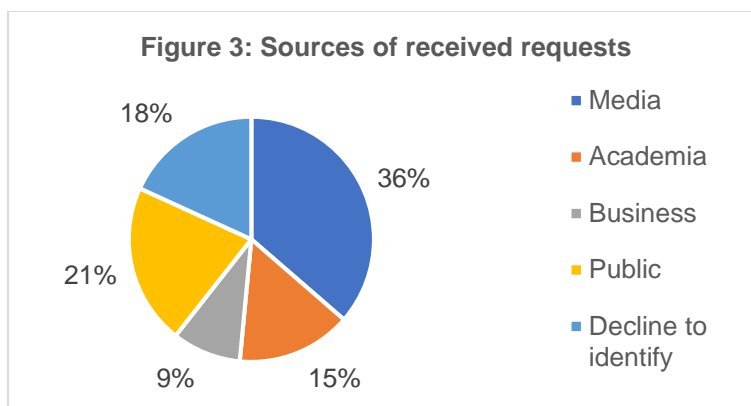
The subject matter of the 33 requests received in 2020-2021 was varied and often involved overlapping categories. However, a few key themes can be observed:

- Reflecting the mandate of the PPSC, 88% of requests received related to criminal and regulatory prosecutions and investigations.
- Notably, applicants were also interested in records on the following subjects: human resources and workplace matters; procurement; and data on a variety of topics, such as the PPSC workforce, criminal charges, and prosecution trends.

5.1.3 Sources

During the 2020-2021 fiscal period, 36% of the 33 requests received were from the media. Similarly, the majority of requests received in the previous two fiscal years were also from the media. This continues to be a sharp departure from the general trend of earlier reporting periods, where the greatest proportion of the PPSC's requests typically originated from the general public. This shift could be attributed to sustained media attention on the organization in light of recent prosecutions.

The following chart shows the distribution of all requests received in 2020-2021 by source:



Note: Each percentage has been rounded to the nearest whole value. For this reason, the percentages set out in the chart do not add up to an exact 100%.

5.1.4 Informal requests

An informal request is any request for information made to the ATIP Office of a government institution that is not processed under the Act. Fees cannot be charged for informal requests and there are no deadlines for response. Additionally, the applicant has no statutory right of complaint to the OIC.

The PPSC receives the majority of informal requests through the online Open Government Portal, where the PPSC publishes a monthly summary of completed access to information requests. Applicants have the ability to submit an informal request through the Portal for any records that were released in response to completed requests.

During the 2020-2021 fiscal period, the PPSC received and responded to 12 informal requests, significantly less than the 66 requests in 2019-2020. As with the formal requests, this decrease could be attributed to focussed attention on the pandemic as well as the early court closures.

The PPSC responded to all of its informal requests within the first 15 days of receipt.

In the previous two (2) fiscal years, before the onset of the pandemic, the PPSC received **more** informal requests than formal.

Applicants are becoming familiar with the range of government tools that are available for accessing information under the organization's control.

Throughout the fiscal year, the ATIP Office also prepared responses to Parliamentary Questions as well as provided advice and recommendations to PPSC employees regarding various reports on audits, workplace violence investigations, and information to be proactively published. The ATIP Office reviewed these reports to ensure that sensitive information, such as solicitor-client privileged and personal information, was identified and protected prior to publication or disclosure to the relevant parties.

5.2 Requests closed during the fiscal year

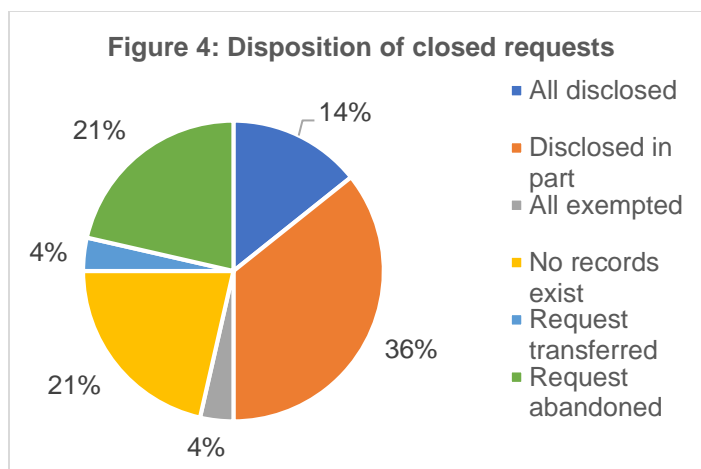
5.2.1 Disposition of requests

The PPSC responded to 28 formal access to information requests, which is 78% of the 36 requests that were received in 2020-2021 or carried forward from 2019-2020. This is 55% fewer requests than the 62 closed in the previous period and less than the average closure rate of 82% over the last five (5) fiscal years.

While the decrease in requests closed in 2020-2021 could be due to the effects of pandemic restrictions on ATIP operations, the number of pages processed were almost as high as in the previous fiscal year. This indicates a comparable level of effort was maintained from year to year, despite the exceptional challenges of operating during a pandemic throughout the entirety of the current reporting period. Further information on page volume and the impact of the pandemic on operations is available in section 5.2.2 (Number of Pages Processed) and section 7.4 (COVID-19 Mitigation Measures), respectively, of this report.

Eight (8) requests remained outstanding by March 31, 2021, and were carried forward to the next fiscal year.

For requests closed in 2020-2021, the disposition is as follows:



Of the 28 requests closed in 2020-2021, records were fully or partially disclosed in 44% of cases, a 29% proportional decrease from the previous period. Overall, 67% of requests closed over the past five (5) fiscal years have resulted in a full or partial disclosure of records to applicants.

During the 2020-2021 reporting period, the PPSC closed one (1) request in which all records were exempted. Other requests that did not result in the disclosure of records were as follows:

No records exist

Six (6) requests could not be processed because relevant records under the control of the PPSC did not exist. Where possible, applicants were advised of other government institutions that may have records and were provided with contact information accordingly.

Request transferred

One (1) request was transferred to the Department of National Defence Canada when it was determined that the records sought by the applicant would be under the Department's control.

Request abandoned

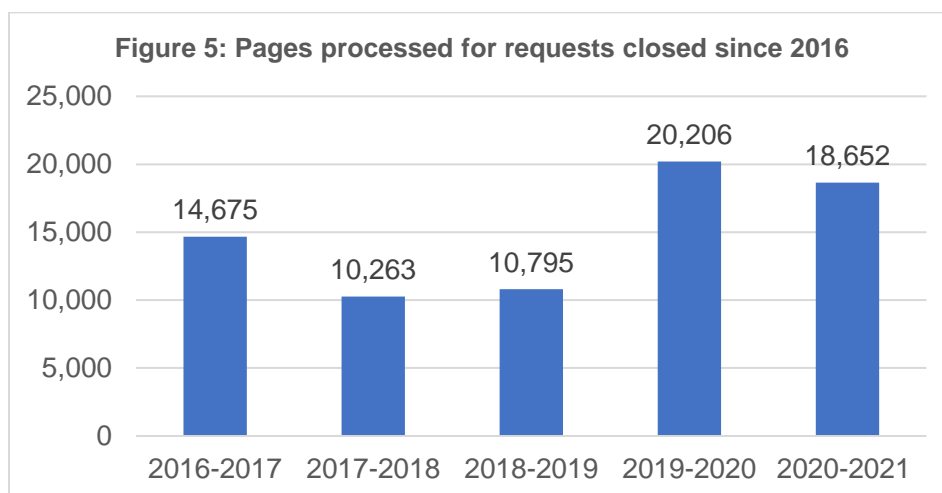
Six (6) requests were abandoned by applicants. In most abandoned cases, clarification is needed from the applicants in order to process their requests. When the applicants do not provide clarification, the requests are deemed as abandoned. In other cases, the applicants choose to abandon their requests.

5.2.2 Number of pages processed

The PPSC processed 18,652 pages in order to close 28 requests in 2020-2021, 8% fewer pages than in 2019-2020 but far greater than in earlier fiscal years. The relatively high page volume is due to a single request received two years earlier concerning a high-profile prosecution. This case involved 17,740 pages, which represents 95% of all pages processed during the current reporting period.

The PPSC ATIP Office also reviewed an additional 8,314 pages received from across the organization that were deemed to be not relevant to the requests and were therefore not included as part of the responses.

The following is a summary of the relevant pages processed by the PPSC over the last five (5) fiscal years:



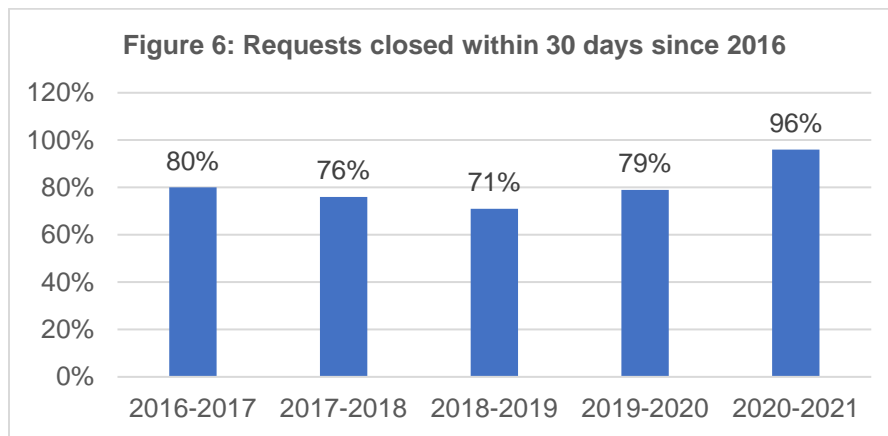
5.2.3 Completion time

Of the 28 requests closed in 2020-2021, all but one (1) were processed within the initial 30-day statutory deadline. The remaining case, involving most of the pages processed during this period and other complexities, took substantially more time to close, at 371 days.

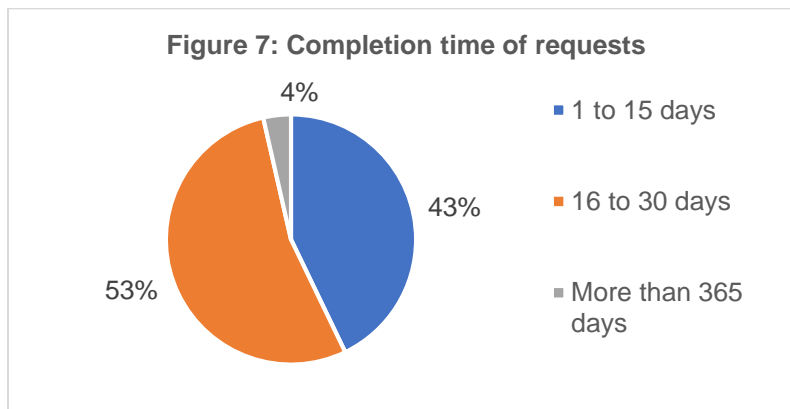
The PPSC closed **96%** requests within the first 30 days of receipt, a 17% proportional increase from last fiscal year.

Overall, the PPSC has processed 79% of the access to information requests closed over the last five (5) fiscal years within 30 days of receipt.

The proportion of requests closed within this timeframe in recent years is as follows:



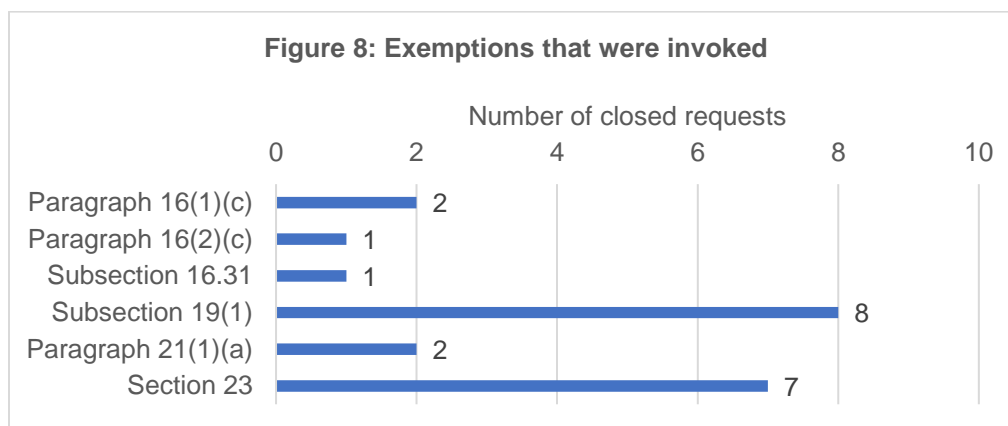
The following is a breakdown of the number of days taken to respond to all requests closed in 2020-2021:



5.2.4 Exemptions

The right of access to information in government records is subject to limited and specific exceptions. Limitations to the right of access are set out in sections 13 through 24 of the Act. Section 26 also sets out an administrative exception relating to the publication of information.

The following is a breakdown of the exemptions applied by the PPSC in 2020-2021 for closed requests:



Over the last five (5) fiscal years, the PPSC has most often invoked subsection 19(1) (personal information) and section 23 (solicitor-client privilege) of the Act when exempting information from disclosure. This reflects the mandate of the PPSC to conduct federal prosecutions, which often involve personal information about individuals, and to provide legal advice to law enforcement agencies and investigative bodies on matters relating to prosecutions.

5.2.5 Exclusions

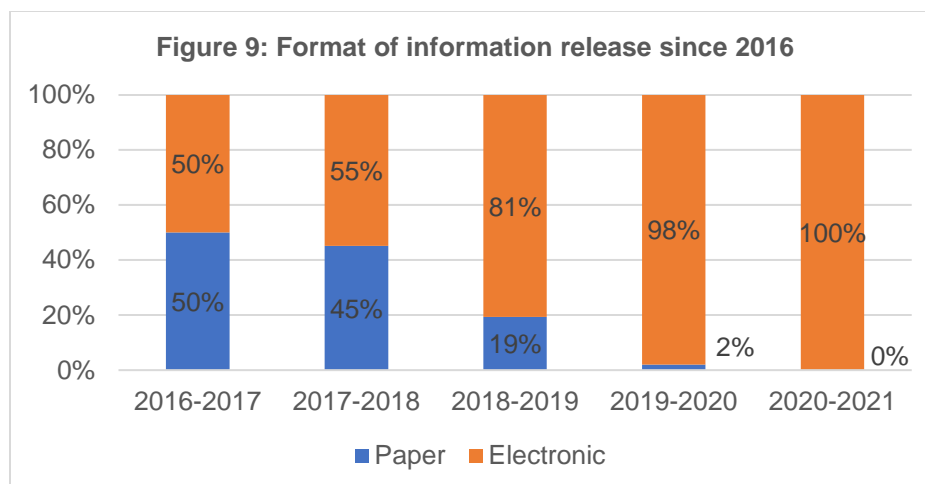
Records or parts thereof to which the Act does not apply are considered to be “excluded.” Pursuant to section 68, the Act does not apply to published material or material available for purchase by the public, library or museum material preserved solely for public record, or material placed in Library and Archives Canada. Records containing confidences of the Queen's Privy Council for Canada, also known as Cabinet confidences, and which have been in existence for less than 20 years are also excluded from the Act pursuant to section 69.

The PPSC excluded information in response to one (1) request closed in 2020-2021, where section 68 of the Act was invoked. This is the second reporting period in a row over the last five (5) fiscal years wherein the PPSC has invoked an exclusion.

5.2.6 Format of information released

Information was released to applicants exclusively in electronic format for all 14 requests closed in 2020-2021 involving full or partial disclosure of records.

This is the fourth fiscal year in a row in which electronic releases, whether by email or on compact disk, have outnumbered paper-based. The following illustrates how this shift has occurred over the last five (5) fiscal years:



5.2.7 Complexity

Due to the nature of the PPSC’s work, processing requests can be challenging, and requests are regularly deemed “complex” based on a number of factors:

- For six (6) requests closed in 2020-2021, the predominant complexity was a need to retrieve records from regions across the country. In general, regional searches most frequently involved the Ontario Regional Office, which was tasked seven (7) times in 2020-2021.
- Database searches were the predominant complexity in four (4) cases closed during the fiscal year. These searches often involve extensive coordination between ATIP officials, business analysts, and subject matter experts to retrieve, package, and validate relevant data.
- Requests to the PPSC often pertain to high-profile or sensitive topics, which was the main source of complexity for one (1) file closed in 2020-2021. Legal advice is also sometimes sought in such matters, which was the principal complicating factor in another case closed within the same period.

5.2.8 Deemed refusals

Requests that are not closed within the initial 30-day statutory deadline or within a timeframe covered by an extension provided by the Act are referred to as “deemed refusals.” Further information on the circumstances in which an extension to the original deadline is permitted by the Act is available in section 5.3 (Extensions) of this report.

The vast majority of the 28 requests closed in the reporting period were responded to within the initial deadline or within an extended timeframe, representing 96% of cases.

There was one (1) deemed refusal in 2020-2021 due to interference with operations and workload. This request was received at the end of the 2018-2019 reporting period and involved a high-profile prosecution, where 17,740 pages were processed.

Over the last five (5) fiscal years, **only three (3)** access to information requests were closed past deadline.

5.2.9 Requests for translation

Just as it had been the case in the last five (5) fiscal years, the PPSC did not receive any requests from applicants in 2020-2021 to translate records from one official language to the other.

5.3 Extensions

Section 9 of the Act allows government institutions to extend the 30-day statutory deadline for processing a request in cases where institutions are required to review or search through a large number of records, or when consultations with other institutions or third parties are necessary.

The PPSC extended the initial deadline in two (2) cases during the 2020-2021 reporting period, significantly fewer than in previous periods. In comparison, over the last five (5) fiscal years, the PPSC has taken an average of 11 extensions each year. Overall, requests have become increasingly complex to process, whether due to the volume of pages to process, extensive search for relevant records, or consultations with other government institutions.

Both extensions in 2020-2021 were taken for a single request, each for 120 days or less. Responding to the request within the original timeframe would have interfered with operations and consultations were required with another government institution, pursuant to paragraphs 9(1)(a) and 9(1)(c), respectively, of the Act.

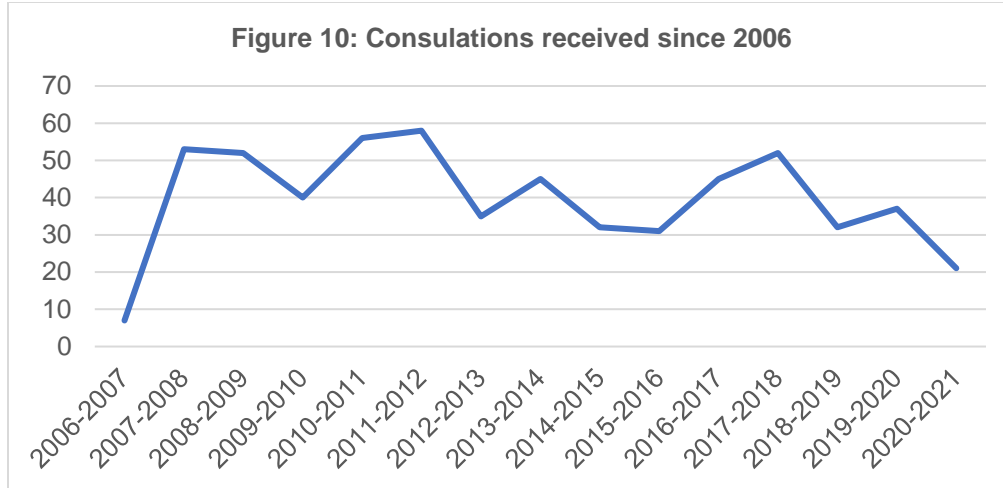
5.4 Consultations received from other institutions

5.4.1 Number of consultations

The PPSC received 21 consultations from other government institutions for processing under the Act in 2020-2021. This is 43% fewer than in the previous fiscal year, which may reflect the effects of pandemic-related restrictions on ATIP operations across the federal government. Additionally, two (2) consultations were carried forward from the same period. Altogether, the PPSC had 23 consultations to process in 2020-2021.

Since December 12, 2006, the PPSC has received 596 access to information consultations in total.

The following chart illustrates the varying number of consultations received by the PPSC each fiscal year since its creation in 2006:



Note: As the PPSC was created on December 12, 2006, data for 2006-2007 only reflects a three-month period.

5.4.2 Sources of consultations

Just over half of the consultations received by the PPSC in 2020-2021 originated from the Treasury Board of Canada Secretariat (TBS). It has consistently been the top source for consultations over the last five (5) reporting periods. Typically, these consultations do not involve many pages or complex subject matter.

The number of consultations forwarded by any given government institution or organization does not reflect the actual amount of work required to process them. For example, some other consultations received in 2020-2021 pertained to prosecutions. Unlike the TBS consultations, consultations related to these topics involve a greater number of records and increased complexity.

The following table identifies the number of consultations sent by each government institution:

Table 1: Sources of consultations

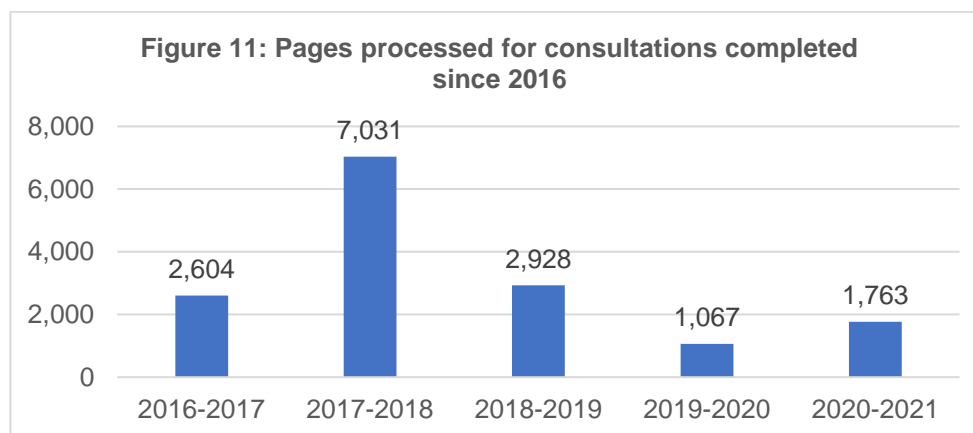
Source	Number of consultations	%
Treasury Board of Canada Secretariat	12	57%
Department of Justice Canada	3	14%
Canadian Security Intelligence Agency	2	10%
Office of the Privacy Commissioner of Canada	1	5%
Canadian Food Inspection Agency	1	5%
Canada Revenue Agency	1	5%
Royal Canadian Mounted Police	1	5%
Total	21	100%

5.4.3 Disposition and recommendations

The PPSC responded to all 23 consultations received or carried over to 2020-2021. There were no consultations outstanding as of March 31, 2021, and carried forward to the next fiscal year.

A total of 1,763 pages were processed, 65% greater than the number of pages in 2019-2020. Nearly half of those pages related to a single consultation from the Canadian Food Inspection Agency.

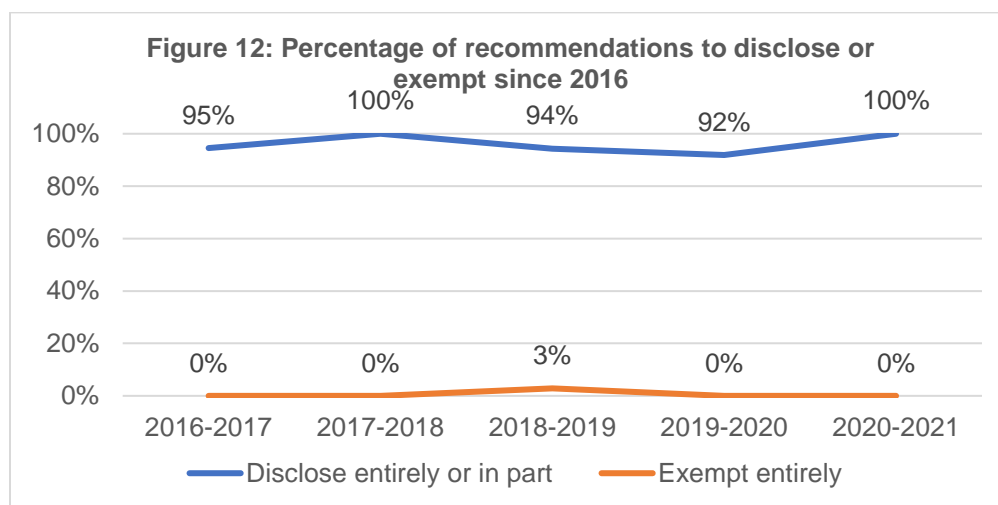
Over the last five (5) fiscal periods, the PPSC has processed an average of 3,079 pages in response to consultations. The number of pages processed each year during this time is as follows:



Of the 23 consultations completed in 2020-2021, the PPSC recommended that the other government institutions fully disclose records 70% of the time (16 cases in total). The organization also recommended that records be partially disclosed in the other seven (7) cases.

Overall, the PPSC completed 200 consultations over the last five (5) fiscal years. In recent fiscal years, the PPSC's recommendations with respect to consultations have trended towards greater disclosure, whether in full or in part, than full exemption of records.

The following chart illustrates this trend:

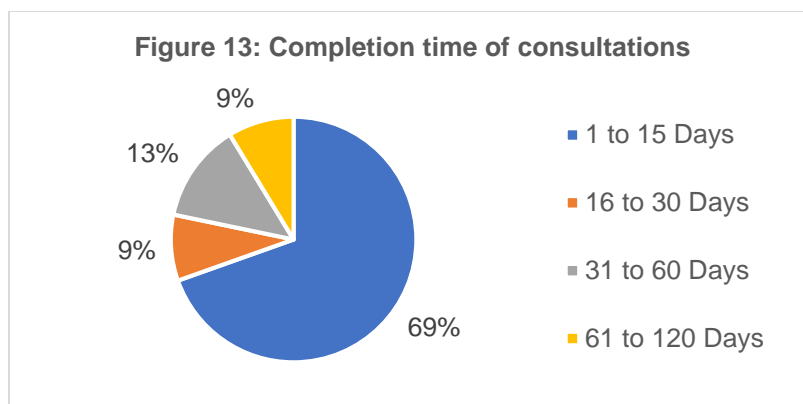


5.4.4 Completion time

Of the 23 consultations completed in 2020-2021, most were processed within 30 days of receipt (18 cases in total). Over the last five (5) fiscal years, 84% of consultations have been completed, on average, within the same timeframe.

The PPSC responded to the three (3) other consultations within 31 to 60 days in 2020-2021 and the remaining two (2) within 61 and 120 days.

The following chart breaks down the proportion of consultations completed within each timeframe during the reporting period:



5.5 Consultations on Cabinet confidences

No consultations regarding subsection 69(1) (Cabinet confidences) of the Act were carried out during fiscal year 2020-2021.

5.6 Service fees

The Act authorizes the collection of fees for certain activities related to the processing of formal requests for information. In addition to the \$5.00 application fee, costs related to the search, preparation, and reproduction of records may be recovered in accordance with the Regulations.

It should be noted that the Treasury Board's *Interim Directive on the Administration of the Access to Information Act*, which came into effect on May 5, 2016, and the changes to the Act that came into force on June 21, 2019, direct government institutions to waive all fees prescribed by the Act and the Regulations, other than the application fee set out in paragraph 7(1)(a) of the Regulations.

Accordingly, pursuant to the Act and Regulations, the PPSC collected a total of \$160.00 in application fees for 32 requests received in fiscal year 2020-2021. The application fee was waived for one (1) other request during the same period; a refund was granted in this instance due to unique circumstances. Per the Interim Directive and the Act, no production, programming, preparation, or search fees were collected.

The Service Fees Act requires a responsible authority to report annually to Parliament on the fees collected by the institution. Accordingly, the information above is also being reported in accordance with the requirements of section 20 of the *Service Fees Act*.

5.7 Costs

In the 2020-2021 fiscal year, the PPSC spent a total of \$319,797 administering the *Access to Information Act*, of which salaries accounted for nearly all expenditures at \$319,297, while goods and services accounted for the remaining \$500.

No overtime expenditures were incurred during this period.

The information above is also being reported in accordance with the requirements of section 20 of the *Service Fees Act*.

6 Training and awareness activities

No formal ATIP awareness sessions were delivered in 2020-2021.

Presentations were delivered in the previous fiscal year to raise awareness of corporate responsibilities regarding ATIP. These materials continue to be made available to all PPSC employees through the internal website. Communiqués on ATIP topics were also distributed throughout the year as part of the PPSC's corporate newsletters, which included promoting Right to Know Week 2020.

ATIP personnel provided informal learning to employees on an *ad hoc* basis regarding the processing of access to information requests and regularly provided advice to PPSC officials on the interpretation of the Act, including proactive publication.

7 Policies, guidelines, procedures, and initiatives

7.1 ATIP governance structure

The PPSC *ATIP Governance Structure* was approved by the PPSC's Executive Council in October 2011. It outlines the reporting relationships within the PPSC and establishes clear responsibilities for decision-making for the purposes of administering the Act.

7.2 Information about Programs and Information Holdings

Information about Programs and Information Holdings (formerly known as *Info Source: Sources of Government and Employee Information*) is published on the Government of Canada's canada.ca website. It provides information about the functions, programs, activities, and related information holdings of government institutions subject to the *Access to Information Act* and the *Privacy Act*.

At least once a year, the PPSC ATIP Office reviews and updates information, if necessary, about the PPSC's activities and information holdings in the publication. No updates were required in 2020-2021.

7.3 Initiatives

The PPSC did not implement any new initiatives relating to access to information during the 2020-2021 fiscal year. The organization expects to develop revised policies and procedures throughout the next fiscal year in preparation for new government-wide directives to support the amended *Act*, open government initiatives, and the continuing modernization of ATIP digital services.

Access to information tools were updated in 2020-2021 as needed, so that the organization may continue to process requests efficiently and in compliance with the Act and Treasury Board policies and directives.

7.4 COVID-19 mitigation measures

The ongoing COVID-19 pandemic presented a unique challenge for the ATIP Office. In response to emergency public health measures put in place at the end of the previous period, the Office had transferred operations to a remote working environment.

It was largely prepared for the transition due to efforts over recent years to build its digital capacity, such as becoming an early adopter of the government-wide ATIP Online Request Service (AORS). Furthermore, templates and forms were adapted for electronic signature early in the pandemic and PPSC officials submitted most records to the ATIP Office by email or through shared, digital dropboxes.

Over the past three (3) years, the **vast majority** of applicants have used the AORS to submit requests to the PPSC.

The Office's capacity to process some requests and consultations was significantly affected when they involved paper-based or Top Secret records as well as records on compact disk. In accordance with the PPSC's business continuity and business resumption plans, staff were not authorized to work on the premises during total lockdowns put in place by local governments for business and other activities. As a result, the PPSC experienced seven (7) weeks in total throughout the reporting period where it had no capacity to process these types of records.

In these cases, the ATIP Office limited the disruption by implementing work plans to prioritize and process these records post-lockdown. Staff also consulted applicants and other government institutions on a case-by-case basis to find solutions for moving these requests and consultations forward.

When lockdowns were lifted, ATIP Office staff were authorized to return to work onsite based on operational requirements. In these circumstances, the Office retained partial capacity for processing non-electronic records. Minor processing delays sometimes occurred, depending on the volume of records involved and when staff could obtain prior approval to work onsite. Further information on capacity is available in the 2020-2021 Supplemental Statistical Report in Appendix C of this report.

While the ATIP Office experienced some limitations in managing operations remotely, every effort was made to ensure applicants received complete responses within established timelines.

8 Complaints and investigations

Decisions made under the Act are subject to a right of review. This ensures government institutions' compliance with their access to information obligations as well as fair treatment for all applicants.

The first level of review is a formal complaint made to the Information Commissioner. Following an investigation, the Commissioner has the power to order the release of information should the complaint be deemed to be well-founded. No order has been issued to the PPSC to date. The second level of review is an application for judicial review to the Federal Court.

The PPSC reviews the outcomes of all Office of the Information Commissioner (OIC) investigations and incorporates lessons learned into business processes, where appropriate.

Three (3) complaints pertaining to two (2) requests were filed with the OIC against the PPSC in 2020-2021, all of which were still under investigation as of March 31, 2021. One (1) complaint alleges that there were records missing from the response provided to the applicant, while the other complaints are based on exemptions applied to the records.

The PPSC also received findings from the Commissioner upon completion of one (1) complaint investigation carried over from the previous reporting period. This case involved preparations for a prosecution where charges against the accused were later dropped. The PPSC had reviewed the records and exempted some information under section 23 of the Act on the basis that it consisted of solicitor-client privileged communications. The OIC agreed with the PPSC that the information in question contained legal advice and that the decision against disclosure was made fairly, where arguments for and against were properly considered. Therefore, it was determined that the complaint was not founded.

The following table summarizes the reasons for the complaints received by the PPSC in fiscal year 2020-2021 as well as the OIC's findings for the concluded investigation:

Table 2: Complaints and investigations

Reason for complaint	Number of complaints	Results of investigations			
		Well-founded	Not well-founded	Discontinued	OIC has yet to issue its findings
Refusal – Exemptions	3	0	1	0	2
Refusal – General	1	0	0	0	1
Extension	0	0	0	0	0
Total	4	0	1	0	3

There were no applications for judicial review filed with the Federal Court in 2020-2021.

9 Monitoring compliance

The ATIP Office maintains a comprehensive statistical reporting and performance measurement system. The ATIP Manager meets with the ATIP Coordinator weekly on the status of active requests, complaints, and any issues that have arisen.

The ATIP Office also provides reports to the PPSC's senior management on an *ad hoc* basis about its activities, caseload, and trends related to access to information.

10 Reading room

Section 8 of the Regulations requires that government institutions maintain a reading room where the public can examine records.

The PPSC's main reading room is located at 160 Elgin Street, Ottawa, Ontario. Individuals who wish to examine records must schedule an appointment with the ATIP Office. Individuals located outside of the National Capital Region can make arrangements through the ATIP Office to examine records at one of its regional offices.

11 Appendix A – Delegation order

Access to Information Act and Privacy Act Delegation Order

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

<p>The Director of Public Prosecutions, pursuant to section 73 of the <i>Access to Information Act</i> and section 73 of the <i>Privacy Act</i>, as they existed prior to June 21, 2019, and pursuant to the current subsection 95(1) of the <i>Access to Information Act</i> and section 73(1) of the <i>Privacy Act</i>, hereby delegates to the persons holding the positions set out in the schedule hereto the powers, duties and functions of the Director of Public Prosecutions as the head of the Office of the Director of Public Prosecutions, under the provisions of the Acts and related regulations set out in the schedule opposite each position. This Delegation Order 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 l'article 73 de la <i>Loi sur la protection des renseignements personnels</i>, tels qu'ils existaient avant le 21 juin 2019, et en vertu de l'article 95(1) de la <i>Loi sur l'accès à l'information</i> et de l'article 73(1) de la <i>Loi sur la protection des renseignements personnels</i>, présentement en vigueur, la directrice des poursuites pénales délègue aux titulaires des postes mentionnés à l'annexe ci-après, les attributions qui lui sont conférées, en qualité de responsable du Bureau du directeur des poursuites pénales, par les dispositions des lois ou de leurs règlements d'application mentionnées en ce qui concerne chacun des postes. Le présent arrêté remplace et annule tout arrêté antérieur sur la délégation.</p>
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Schedule/Annexe

Position/Poste	<i>Access to Information Act and Regulations/Loi sur l'accès à l'information et son règlement d'application</i>	<i>Privacy Act and Regulations/Loi sur la protection des renseignements personnels et son règlement d'application</i>
Senior Director General, Corporate Services/Directrice générale principale, Services ministériels	Full authority/Autorité absolue	Full authority/Autorité absolue
Director General, Communications and Parliamentary Affairs/Directrice générale, Communications et Affaires parlementaires	Full authority/Autorité absolue	Full authority/Autorité absolue
Manager, ATIP/Gestionnaire, AIPRP	Full authority/Autorité absolue	Full authority/Autorité absolue

Dated, at the City of Ottawa, this day of , 2021	Daté, en la ville d'Ottawa, ce jour de 2021
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**Roussel,
Kathleen**

Digitally signed by Roussel, Kathleen
DN: c=CA, o=GC, ou=EC-EC,
cn=Roussel, Kathleen
Reason: I am approving this
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Root: PhantomPDF Version: 10.0.0

Kathleen Roussel
Director of Public Prosecutions
Directrice des poursuites pénales

12 Appendix B – Statistical report on the Access to Information Act



Government of Canada / Gouvernement du Canada

Statistical Report on the Access to Information Act

Name of institution: Public Prosecution Service of Canada

Reporting period: 2020-04-01 to 2021-03-31

Section 1: Requests Under the Access to Information Act

1.1 Number of requests

	Number of Requests
Received during reporting period	33
Outstanding from previous reporting period	3
Total	36
Closed during reporting period	28
Carried over to next reporting period	8

1.2 Sources of requests

Source	Number of Requests
Media	12
Academia	5
Business (private sector)	3
Organization	0
Public	7
Decline to Identify	6
Total	33

1.3 Informal requests

Completion Time							Total
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
12	0	0	0	0	0	0	12

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

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Canada

Section 2: Decline to act 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	1	3	0	0	0	0	0	4
Disclosed in part	1	8	0	0	0	0	1	10
All exempted	0	1	0	0	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	4	2	0	0	0	0	0	6
Request transferred	1	0	0	0	0	0	0	1
Request abandoned	5	1	0	0	0	0	0	6
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	12	15	0	0	0	0	1	28

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)	1	18(d)	0	21(1)(a)	2
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)	8	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	7
15(1) - Def.*	0	16.3	0	20(1)(b)	0	23.1	0
15(1) - S.A.*	0	16.31	1	20(1)(b.1)	0	24(1)	0
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(c)	0	26	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(d)	0		
16(1)(a)(iii)	0	16.5	0				
16(1)(b)	0	16.6	0				
16(1)(c)	2	17	0				
16(1)(d)	0						

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

3.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	1	69(1)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(a)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	0
68.1	0	69(1)(c)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(d)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(e)	0	69(1)(g) re (f)	0
		69(1)(f)	0	69.1(1)	0

3.4 Format of information released

Paper	Electronic	Other
0	14	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
18652	417	21

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	4	33	0	0	0	0	0	0	0	0
Disclosed in part	9	272	1	112	0	0	0	0	0	0
All exempted	1	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	6	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0	0	0
Total	20	305	1	112	0	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	2	2
Disclosed in part	0	0	1	8	9
All exempted	0	0	0	1	1
All excluded	0	0	0	0	0
Request abandoned	0	0	0	2	2
Neither confirmed nor denied	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0
Total	0	0	1	13	14

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	27
Percentage of requests closed within legislated timelines (%)	96.4

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	1	0	0	0

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

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timeline Where an Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	1	1
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	1	0	1	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Decline to act with the approval of the Information Commissioner	0	0	0	0
Total	1	0	1	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	0	0
31 to 60 days	0	0	1	0
61 to 120 days	1	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	1	0

Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Requests	Amount	Requests	Amount
Application	32	\$160	1	\$5
Other fees	0	\$0	0	\$0
Total	32	\$160	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	21	702	0	0
Outstanding from the previous reporting period	2	1061	0	0
Total	23	1763	0	0
Closed during the reporting period	23	1763	0	0
Carried over to next reporting period	0	0	0	0

6.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	more Than 365 Days	
Disclose entirely	14	1	1	0	0	0	0	16
Disclose in part	2	1	2	2	0	0	0	7
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	16	2	3	2	0	0	0	23

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	more Than 365 Days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

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 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
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 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
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
3	0	0	1	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		\$319,297
Overtime		\$0
Goods and Services		\$500
• Professional services contracts	\$0	
• Other	\$500	
Total		\$319,797

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	3.940
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.000
Students	0.000
Total	3.940

Note: Enter values to three decimal places.

13 Appendix C – Supplemental statistical report on the *Access to Information Act* and the *Privacy Act*



Supplemental Statistical Report on the *Access to Information Act* and *Privacy Act*

Name of institution: Public Prosecution Service of Canada

Reporting period: 2020-04-01 to 2021-03-31

Section 1: Capacity to Receive Requests

Enter the number of weeks your institution was able to receive ATIP requests through the different channels.

	Number of Weeks
Able to receive requests by mail	36
Able to receive requests by email	52
Able to receive requests through the digital request service	52

Section 2: Capacity to Process Records

2.1 Enter the number of weeks your institution was able to process paper records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Paper Records	7	45	0	52
Protected B Paper Records	7	45	0	52
Secret and Top Secret Paper Records	7	45	0	52

2.2 Enter the number of weeks your institution was able to process electronic records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Electronic Records	0	39	13	52
Protected B Electronic Records	0	39	13	52
Secret and Top Secret Electronic Records	0	52	0	52