

Ship-source Oil Pollution Fund
Annual Report to Parliament on the
Access to Information Act
April 1, 2016 to March 31, 2017

Caisse d'indemnisation des dommages
dus à la pollution par les hydrocarbures
causée par les navires

Rapport annuel au Parlement sur la
Loi sur l'accès à l'information
1^{er} avril 2016 au 31 mars 2017



Published by the Administrator of the
Ship-source Oil Pollution Fund

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Publié par l'Administratrice de la
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INTRODUCTION

The Office of the Administrator of the Ship-source Oil Pollution Fund (SOPF) is pleased to submit to Parliament its annual report on the administration of the *Access to Information Act (ATIA)* for the fiscal year commencing on April 1, 2016 and ending March 31, 2017. This report is submitted in accordance with section 72 of the Act. The report is tabled in Parliament through the Minister of Transport.

The *Access to Information Act* took effect on July 1, 1983. The *ATIA* gives Canadian citizens, permanent residents, any person and corporation present in Canada a right of access to information, contained in government records, subject to certain specific and limited exceptions.

WHO WE ARE

The rules governing the SOPF are contained in Part 7 of the *Marine Liability Act*, Chapter 6, Statutes of Canada, 2001, as amended by Chapter 21, Statutes of Canada, 2009.

Initially the SOPF and its predecessor, the Maritime Pollution Claims Fund, were established on the basis of a levy on oil transported by ship, paid by oil companies, power generating authorities, pulp and paper manufacturers and other heavy industries. The levy was stopped in 1976 and currently the Fund is largely financed by monthly interest credited to the Fund by the Minister of Finance.

OUR MISSION

Canada's national SOPF may pay claims for oil pollution damage or anticipated damage, costs and expenses incurred in respect of measures taken with respect thereto, at any place in Canada, or in Canadian waters including the exclusive economic zone, caused by the discharge of oil from a ship.

The SOPF is intended to pay claims regarding oil spills from ships of all classes - it is not limited to sea-going tankers and persistent (heavy) oil.

New provisions in Chapter 21, referred to above, implemented two international instruments, which entered into force for Canada as of January 2, 2010, namely, the *International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention)* and the *Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 2003, (Supplementary Fund Protocol)*. The SOPF is also available to provide additional compensation (a fourth layer) in the event that compensation under the international regime, with respect to persistent (heavy) oil spills in Canada from oil tankers, is insufficient to meet all established claims for compensation.

OUR MANDATE

Effective August 8, 2001, the SOPF is governed by Part 6 of the *Marine Liability Act* (MLA) as modified by Statutes of Canada, 2009, chapter 21.

The Administrator, appointed by the Governor-in-Council:

- Holds office during good behaviour and, as an independent authority, must investigate and assess all claims filed with the Ship-source Oil Pollution Fund (SOPF), subject to appeal to the Federal Court of Canada if the claimant disagrees with the Administrator's assessment;
- Offers compensation to claimants for whatever portion of the claim the Administrator finds to be established and, where a claimant accepts an offer, the Administrator directs payment to the claimant out of the SOPF;
- Has the power of a Commissioner under Part 1 of the *Inquiries Act* for the purpose of assessing claims;
- May take recourse action against third parties to recover the amount paid out of the SOPF to a claimant and may also take action to obtain security from the shipowner, either prior to or after receiving a claim;
- Becomes a party by statute to any proceedings commenced by a claimant against the owner of a ship, its insurer, or the International Oil Pollution Compensation (IOPC) Funds, as the case may be, after having been served with the document commencing the proceedings;
- Has the responsibility under the *Marine Liability Act* (MLA) to direct payments out of the SOPF for all Canadian contributions to the IOPC Funds (such contributions are based on oil receipts in Canada reported by the Administrator to the Director of the IOPC Funds);
- Participates with the Canadian delegation at meetings of the Executive Committee and the Assembly of the IOPC Funds;
- Prepares an annual report on the operations of the SOPF, which is laid before Parliament by the Minister of Transport.

ACCESS TO INFORMATION ACTIVITIES

The Administrator of the SOPF is the designated head of the Fund for the *Access to Information Act*. Due to the very small size of the organization, the Director of Corporate Services has been designated the Access to Information and Privacy (ATIP) Coordinator and retains all authorities in relation to the Act. An ATIP Consultant is hired to address any ATIP requests or related issues. There are no regional ATIP staff.

The ATIP Coordinator is accountable for the development, coordination and implementation of effective policies, guidelines, systems and procedures. This will ensure the Fund's responsibilities under the *Access to Information Act* are met and there is appropriate processing and proper disclosure of information. The Coordinator is also responsible for related policies, systems and procedures emanating from the Act.

The main activities of the ATIP Coordinator include:

- Processing requests under the Act;
- Developing and maintaining policies, procedures and guidelines to ensure the Act is respected by the Fund;
- Promoting awareness of the Act to ensure the SOPF's responsiveness to the obligations imposed on the government;
- Monitoring the SOPF's compliance with the Act, regulations and relevant procedures and policies;
- Preparing annual reports to Parliament and other statutory reports, as well as other material that may be required by central agencies;
- Representing the Fund in dealings with the Treasury Board Secretariat (TBS), the Information Commissioner and other government funds and agencies regarding the application of the Act as they relate to the SOPF;
- Supporting the SOPF in meeting its commitments in relation to greater openness and transparency through proactive disclosure of information and the disclosure of information through informal avenues.

During the reporting period, 1 request was received. There were no outstanding requests from the previous period. This is consistent with previous years. 100% of the requests were completed on time, within the legislated time lines.

The SOPF did not receive any *Access to Information Act* complaints during this reporting period.

There was no monitoring of the time to process access to information requests required.

There were no formal training sessions conducted during the reporting period, nor did any individuals attend any training or awareness sessions. Continuous advice and recommendations were provided by a consultant on an as required basis to Management and staff.

No institution-specific access to information related policies, guidelines or procedures were implemented in the institution during the reporting period.

In fiscal year 2011-2012, the Ship-source Oil Pollution Fund acquired an electronic records and information management (RIM) application to assist in locating files and manage the SOPF record inventory to better address potential Access to Information requests and to ascertain that records containing personal information are dealt with in accordance with privacy laws and regulations.

Over the course of this fiscal year, an expert consultant was retained to maintain the application and oversee all necessary improvements to the system.

In addition to this work, the expert consultant continues to amend, as and when required the RIM policy, procedures and standards manual to reflect the evolving electronic record keeping environment, to develop new and review existing guidelines on how to access and retrieve information from the application and provide training and orientation sessions, as and when required, to new and existing SOPF employees.

Governance and statutory obligations

The Ship-source Oil Pollution Fund is a special account established in the accounts of Canada. It is governed by the *Marine Liability Act*.

When the Ship-source Oil Pollution Fund was made subject to the *Access to Information Act* and the *Privacy Act* in 2006, the SOPF automatically became subject to the *Library and Archives of Canada Act*.

As a result, the SOPF has a statutory obligation to comply with sections 12 and 13 of the Act and the Records Disposition Authority 96/022 issued by Library and Archives Canada. The authority states that all records created or acquired by the deputy head of the SOPF are deemed of historical and archival importance and are required to be transferred to the care and control of Library and Archives of Canada upon the expiry of their retention periods.

The new electronic records and information management system ensures that SOPF business records are disposed of according to approved records retention and disposition schedules and authorities.

The costs associated to records and information management of SOPF record holdings are reflective of policies, systems and procedures that emanate from the *Access to Information Act* and the *Privacy Act*.

For 2016-2017, the costs directly associated with the administration of the *Access to Information Act* are estimated at \$32,440.

Staff	\$ 0.000
Consultant fees	\$30,536
Office Equipment and Supplies	\$ 1,904

The associated employee resources for 2016-2017 are estimated at 2.25 part-time consultants for administering the *Access to Information Act*.



Statistical Report on the Access to Information Act

Name of institution: Ship-source Oil Pollution Fund

Reporting period: 2016-04-01 to 2017-03-31

Part 1: Requests Under the Access to Information Act

1.1 Number of requests

	Number of Requests
Received during reporting period	1
Outstanding from previous reporting period	0
Total	1
Closed during reporting period	1
Carried over to next reporting period	0

1.2 Sources of requests

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

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	
0	0	0	0	0	0	0	0

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

Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	1	0	0	0	1
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	0	0	0	0	0	0
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	0	0	0	1	0	0	0	1

2.2 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)	1	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	1
15(1) - Def.*	0	16.3	0	20(1)(b)	0	24(1)	0
15(1) - S.A.*	0	16.4(1)(a)	0	20(1)(b.1)	0	26	0
16(1)(a)(i)	0	16.4(1)(b)	0	20(1)(c)	0		
16(1)(a)(ii)	0	16.5	0	20(1)(d)	0		
16(1)(a)(iii)	0	17	0				
16(1)(b)	0						
16(1)(c)	0						
16(1)(d)	0						

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

2.3 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

2.4 Format of information released

Disposition	Paper	Electronic	Other Formats
All disclosed	0	0	0
Disclosed in part	1	0	0
Total	1	0	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	0	0	0
Disclosed in part	2567	2485	1
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor denied	0	0	0

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	0	0	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	1	2485	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	1	2485	0	0

2.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	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	0	0	0	0	0
Total	1	0	0	0	1

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past the Statutory Deadline	Principal Reason			
	Workload	External Consultation	Internal Consultation	Other
0	0	0	0	0

2.6.2 Number of days past deadline

Number of Days Past Deadline	Number of Requests Past Deadline Where No Extension Was Taken	Number of Requests Past Deadline Where An Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Part 3: Extensions

3.1 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	0	0	0	1
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
Total	0	0	0	1

3.2 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	0	0
61 to 120 days	0	0	0	1
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	0	0	0	1

Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	1	\$5	0	\$0
Search	0	\$0	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	0	\$0
Total	1	\$5	0	\$0

Part 5: Consultations Received From Other Institutions and Organizations

5.1 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	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	0	0	0	0
Closed during the reporting period	0	0	0	0
Pending at the end of the reporting period	0	0	0	0

5.2 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	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

5.3 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

Part 6: Completion Time of Consultations on Cabinet Confidences

6.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

6.2 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

Part 7: Complaints and Investigations

Section 32	Section 35	Section 37	Total
0	0	0	0

Part 8: Court Action

Section 41	Section 42	Section 44	Total
0	0	0	0

Part 9: Resources Related to the *Access to Information Act*

9.1 Costs

Expenditures		Amount
Salaries		\$0
Overtime		\$0
Goods and Services		\$32,440
• Professional services contracts	\$30,536	
• Other	\$1,904	
Total		\$32,440

9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.00
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	2.25
Students	0.00
Total	2.25

Note: Enter values to two decimal places.

Ship-source Oil Pollution Fund

Access to Information Act
Delegation Order

The Administrator of the Ship-source Oil Pollution Fund, pursuant to section 73 of the *Access to Information Act* (the *Act*) hereby designates the persons holding the positions set out herein or the persons occupying those positions on an acting basis, to exercise the powers, duties or functions of the Administrator as the head of a government institution, under the section or sections of the *Act* set out hereunder opposite each position.

Position	<i>Access to Information Act</i>	
ATIP Coordinator	4(2.1)	Reasonable effort to assist, respond accurately and completely and provide timely access in the format requested
ATIP Coordinator	7(a)	Notice where access requested
ATIP Coordinator	7(b)	Giving access to record
ATIP Coordinator	8(1)	Transfer of request to another institution
ATIP Coordinator	9	Extension of time limits
ATIP Coordinator	11(2), (3), (4), (5), (6)	Additional fees
ATIP Coordinator	12(2)	Language of access
ATIP Coordinator	12(3)	Access in an alternative format
ATIP Coordinator	13	Exemption—Information obtained in confidence
ATIP Coordinator	14	Exemption—Federal—provincial affairs
ATIP Coordinator	15	Exemption—International affairs and defence
ATIP Coordinator	16	Exemption—Law enforcement and investigations
ATIP Coordinator	16.1	Exemption—Records related to investigations, examinations and audits of the Auditor General, the Commissioner of Official Languages, the Information Commissioner and the Privacy Commissioner
ATIP Coordinator	16.2	Exemption—Records related to investigations by the Commissioner of Lobbying
ATIP Coordinator	16.3	Exemption—Records related to investigations, examinations or reviews under the Canada Elections Act

Position	<i>Access to Information Act</i>	
ATIP Coordinator	16.4	Exemption—Records related to investigations by the Public Sector Integrity Commissioner
ATIP Coordinator	16.5	Exemption—Exemption for records related to a disclosure under the Public Servants Disclosure Protection Act
ATIP Coordinator	17	Exemption—Safety of individuals
ATIP Coordinator	18	Exemption—Economic interests of Canada
ATIP Coordinator	18.1	Exemption—Economic interest of the Canada Post Corporation, Export Development Canada, the Public Sector Pension Investment Board and VIA Rail Canada Inc.
ATIP Coordinator	19	Exemption—Personal information
ATIP Coordinator	20	Exemption—Third party information
ATIP Coordinator	20.1	Exemption—Third party information obtained by the Public Sector Pension Investment Board
ATIP Coordinator	20.2	Exemption—Third party information obtained by the Canada Pension Plan Investment Board
ATIP Coordinator	20.4	Exemption—Contracts of performing artists and identity of confidential donors to the National Arts Centre Corporation
ATIP Coordinator	21	Exemption—Operations of Government
ATIP Coordinator	22	Exemption—Testing procedures
ATIP Coordinator	22.1	Exemption—Audit working papers and draft audit reports
ATIP Coordinator	23	Exemption—Solicitor-client privilege
ATIP Coordinator	24	Exemption—Statutory prohibitions
ATIP Coordinator	25	Severability
ATIP Coordinator	26	Exception—Information to be published
ATIP Coordinator	27(1), (4)	Third party notification
ATIP Coordinator	28(1), (2), (4)	Third party notification

Position	<i>Access to Information Act</i>	
ATIP Coordinator	29(1)	Disclosure on recommendation of Information Commissioner
ATIP Coordinator	33	Advising Information Commissioner of third party involvement
ATIP Coordinator	35(2)	Right to make representations
ATIP Coordinator	37(4)	Access to be given to complainant
ATIP Coordinator	43(1)	Notice to third party (application to Federal Court for review)
ATIP Coordinator	44(2)	Notice to applicant (application to Federal Court by third party)
ATIP Coordinator	52(2), (3)	Special rules for hearings
ATIP Coordinator	71(1) (2)	Exempt information severed from manuals
ATIP Coordinator	72	Prepare annual report to Parliament
ATIP Coordinator	77	Responsibilities conferred on the head of the institution by the regulations made under section 77 which are not included above

Position	<i>Access to Information Regulations</i>	
ATIP Coordinator	6(1)	Transfer of request
ATIP Coordinator	7(2)	Search and preparation fees
ATIP Coordinator	7(3)	Production and programming fees
ATIP Coordinator	8	Providing access to record(s)
ATIP Coordinator	8.1	Limitations in respect of format

Dated at Ottawa on June 6, 2017



 Anne Legars, LLM, cae
 Administrator