RCMP External Review Committee

Comité externe d'examen de la GRC

Access to Information Act

RCMP External Review Committee

Annual Report 2020-21

Canada

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Report on *Access to Information Act* 2020-21

1. Introduction

The *Access to Information Act* gives the public a broad right of access to information contained in federal government records, subject to certain limited and specific exceptions.

Section 94 of the *Access to Information Act* requires that the head of every government institution prepare an annual report to be tabled in Parliament regarding the administration of the *Act* by that institution during the financial year. This report describes how the RCMP External Review Committee (ERC) administered the *Access to Information Act* throughout financial year 2020-21.

Mandate of the RCMP External Review Committee

Established in 1986 under Part II of the *Royal Canadian Mounted Police Act*, the RCMP External Review Committee (ERC) contributes to fair and equitable labour relations and accountability within the RCMP through its independent and impartial review of appeal case files. The ERC issues findings and recommendations to the Commissioner of the RCMP for final decisions to be made in appeals regarding critically important matters (e.g. appeals of decisions in harassment complaints and of decisions to dismiss or demote an RCMP member for misconduct, to stop a member's pay and allowances when a member is suspended from duty or to discharge a member for medical or performance reasons). The RCMP is required to refer appeal case files to the ERC for its review, findings and recommendations pursuant to the *Royal Canadian Mounted Police Act* and the *Royal Canadian Mounted Police Regulations*. The ERC reports directly to Parliament through the Minister of Public Safety and Emergency Preparedness.

2. ERC's Organizational Structure To Fulfill Its *Access To Information Act* Responsibilities

Given the small size of the ERC (less than 20 FTEs) and the small number of requests it receives, all access to information functions are performed by the Senior Director of Corporate Services and CFO, and the Senior Officer, Planning and Reporting. The ERC has no regional offices. The ERC processes requests as follows:

- the requested information is identified;
- the requests are examined to determine if they should be transferred to another government institution with a "greater interest";
- possible exemptions are considered;
- a copy of the non-exempt information is prepared and forwarded to the requester with a transmittal letter; and,
- the requests and all related documentation are filed in the ERC's Access to Information and Privacy (ATIP) registry.

The ERC relies on existing Treasury Board guidelines regarding access to information.

Public Reading Room

The *Access to Information Act* requires that institutions maintain a reading room where the public can review records that have been disclosed by the ERC over the past three years. Records are available for review at no charge. Photocopying costs are applied at $0.20 per page. The ERC's public reading room is located at 60 Queen Street, Room 600, in Ottawa and is open from 10:00 a.m. to 3:00 p.m., Monday to Friday. Individuals who wish to review records must schedule an appointment with the ERC by contacting the generic email at corporateandhrservices-servicesgenerauxetrh@erc-cee.gc.ca or reception number at 613-998-2134. The ERC has sanitary procedures and protocols in place for the health and safety of its employees and individuals who wish to consult the disclosed records.

3. Delegation Order

The Minister of Public Safety and Emergency Preparedness Canada, pursuant to section 95 of the *Access to Information Act*, designates the Chair, the Senior Director of Corporate Services and the ATIP coordinator of the ERC to exercise the powers and perform the duties of the Minister as the head of a government institution (the RCMP External Review Committee) under certain sections of the *Act*. Responsibilities associated with the administration of the *Access to Information Act* include notifying applicants of extensions and transferring requests to other institutions (see Annex A, Delegation Order).

4. Highlights of the Statistical Report, 2020-21

During fiscal year 2020-21, the ERC received sixteen (16) requests and completed one (1) request under the *Access to Information Act* in the reporting period. The disposition of these requests was:

All disclosed	1
Disclosed in part	0
All exempted	0
All excluded	0
No records exist	0
Request transferred	15
Request abandoned	0
Neither confirmed nor denied	0
Carried over to next reporting period	0
Total	16

Disposition of Requests

Fifteen (15) requests related to records that did not belong to the ERC. These requests were transferred to the departments with control of those records. Completion time for the one (1) request was between 16 to 30 days.

Source of Requests

Of the sixteen (16) requests received during the reporting period, fifteen (15) were received from the public and one (1) was received from an academia.

Consultations from Other Institutions

During the reporting period, the ERC received ten (10) consultations regarding formal requests received by other government organizations and institutions. In all the consultation requests, the ERC did not object to the disclosure of any part of the requested information under the *Access to Information Act*. The completion time for eight (8) of the consultations was between 1 and 15 days, one (1) between 16 and 30 days and between 30 to 60 days for one (1) consultation received by mail at the beginning of the Coronavirus pandemic in 2020.

Informal Processes

Whenever possible, information is provided informally to the public by ERC employees. Additionally, the ERC's website serves as a valuable source of information on the ERC program, including annual reports to Parliament and financial information. Given the sensitivity of much of the information in the RCMP internal files that are referred to the ERC, there are few opportunities to disclose other program information informally.

There were no informal releases made during the reporting period.

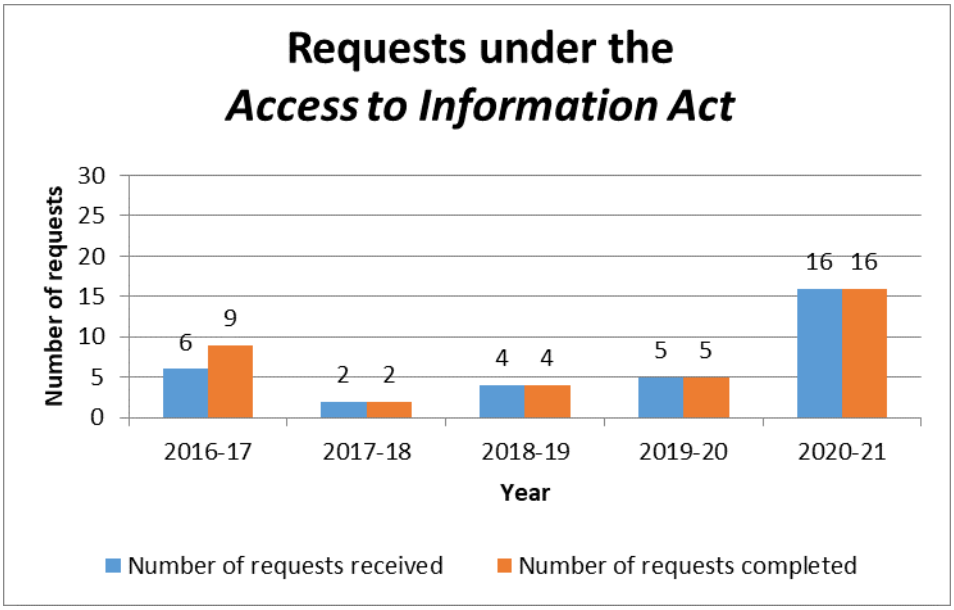
Other Consultations

There were no consultations on Cabinet Confidences under the *Access to Information Act*.

Annex B provides a summarized statistical report on *Access to Information Act* requests processed by the ERC between April 1, 2020 and March 31, 2021.

Multi-Year Trends

Evaluation of multi-year trends is difficult given the very small number of requests received each year by the ERC. The number and kinds of requests and consultations dealt with by the ERC in 2020-21 were typical of and generally consistent with previous years. An average of 6.6 requests per year were received and completed over the past five years (see Figure next page).



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
- Total revenue: $0
- Fees waived: $0
- Cost of operating the program: $13,915.

6. Training and Awareness

No formal ATI training was provided to ERC staff during the reporting period. Some ERC legal counsel have legal training in ATIP matters as the assessment of some requests may require legal analysis or advice.

Information about the ATI program and activities is routinely circulated to ERC staff in the course of normal operations.

7. Policies, Guidelines, Procedures and Initiatives

The ERC did not implement any new or revised access to information-related policies, guidelines, procedures or initiatives during the reporting period.

8. Summary of Key Issues and Actions taken on Complaints or Audits

The ERC received no complaints during the reporting period from the Office of the Information Commissioner regarding access to information files and no audits or investigations were concluded.

There were no applications/appeals to the Federal Court in respect of access to information files received by the ERC for fiscal year 2020-21.

9. Monitoring Compliance

Monitoring of the time to process access to information requests during the reporting period was carried out on a case-by-case basis. Time to process requests is also discussed in the responsible management committee when required.

Access to Information Act Delegation Order

The Minister of Public Safety and Emergency Preparedness, pursuant to section 95(1) of the *Access to Information Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the Minister as the head of Public Safety and Emergency Preparedness, under the provisions of the *Access to Information Act* and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

Position	**Authorities Under the *Access to Information Act* and *Access to Information Regulations***
Chairperson	Full authority
Senior Director, Corporate Services and CFO	
General Counsel and Director of Operations	
ATIP Coordinator	
Senior Officer, Planning and Reporting	Sections 4(2.1), 9 and 11(2) of the *Access to Information Act* and 7(2) and 7(3) of the *Access to Information Regulations*

Dated, at the City of Ottawa, this 21 day of August, 2020.

The Honourable William Sterling Blair, P.C., C.O.M., M.P.

Minister of Public Safety and Emergency Preparedness

Government of Canada Gouvernement du Canada

Statistical Report on the *Access to Information Act*

Name of institution: RCMP External Review Committee

Reporting period: 4/1/2020 to 3/31/2021

Section 1: Requests Under the *Access to Information Act*

1.1 Number of requests

	Number of Requests
Received during reporting period	16
Outstanding from previous reporting period	0
Total	16
Closed during reporting period	16
Carried over to next reporting period	0

1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	1
Business (private sector)	0
Organization	0
Public	15
Decline to Identify	0
Total	16

1.3 Informal requests

Completion Time							
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	Total
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.

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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							
	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	Total
All disclosed	0	1	0	0	0	0	0	1
Disclosed in part	0	0	0	0	0	0	0	0
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	14	1	0	0	0	0	0	15
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Decline to act with the approval of the Information Commisioner	0	0	0	0	0	0	0	0
Total	14	2	0	0	0	0	0	16

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)	0	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	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)	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)	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	1	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
6	6	1

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	1	6	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	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	1	6	0	0	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	0	0
Disclosed in part	0	0	0	0	0
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
Declined to act with the approval of the Information Commissioner	0	0	0	0	0
Total	0	0	0	0	0

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	16
Percentage of requests closed within legislated timelines (%)	100

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
0	0	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	0	0
More than 365 days	0	0	0
Total	0	0	0

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	0	0	0	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 Commisioner	0	0	0	0
Total	0	0	0	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	0	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	0	0	0	0

Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Requests	Amount	Requests	Amount
Application	0	$0	1	$5
Other fees	0	$0	0	$0
Total	0	$0	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	10	728	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	10	728	0	0
Closed during the reporting period	10	728	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							
	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	Total
Disclose entirely	8	1	1	0	0	0	0	10
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	8	1	1	0	0	0	0	10

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of Days Required to Complete Consultation Requests							
	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	Total
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
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		$13,915
Overtime		$0
Goods and Services		$0
• Professional services contracts	$0	
• Other	$0	
Total		**$13,915**

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.060
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.000
Students	0.000
Total	0.060

Note: Enter values to three decimal places.

Government of Canada Gouvernement du Canada

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

Name of institution: RCMP External Review Committee

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	48
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	4	0	48	**52**
Protected B Paper Records	4	0	48	**52**
Secret and Top Secret Paper Records	4	0	48	**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	0	52	**52**
Protected B Electronic Records	0	0	52	**52**
Secret and Top Secret Electronic Records	52	0	0	**52**

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