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2007–08 Annual Report
on the
Access to Information Act

Canada

2007-08 Annual Report
on the
Access to Information Act

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PREFACE AND PURPOSE

The *Access to Information Act* (Revised Statutes of Canada, Chapter A-1, 1985) was proclaimed on July 1, 1983.

Section 2 of the *Access to Information Act* gives Canadian citizens and permanent residents a broad right of access to information contained in government records, subject to certain specific and limited exceptions.

Section 72 of the *Access to Information Act* requires that the head of every government institution prepare for submission to Parliament an annual report on the administration of the Act within the institution during each financial year.

This annual report describes how Industry Canada administered its responsibilities in the twenty-fifth year of operation of the *Access to Information Act*.

ABOUT THE ORGANIZATION

Industry Canada's Mandate

Industry Canada's mandate is to help make Canadians more productive and competitive in the knowledge-based economy, thus improving the standard of living and quality of life in Canada. The department's policies, programs and services help grow a dynamic and innovative economy that:

- ▶ provides more and better-paying jobs for Canadians
- ▶ supports stronger business growth through continued improvements in productivity and innovation performance
- ▶ gives consumers, businesses and investors confidence that the marketplace is fair, efficient and competitive
- ▶ ensures a more sustainable economic, environmental and social future for Canadians

Industry Canada aims to help Canadians contribute to the knowledge economy and improve productivity and innovation performance through its **three strategic objectives**:

- ▶ a fair, efficient and competitive marketplace
- ▶ an innovative economy
- ▶ a competitive industry and sustainable communities

For more information about Industry Canada's initiatives, please visit www.ic.gc.ca.

Departmental Structure

In 2007, Industry Canada performed minor restructuring to better meet its mandate and respond to the government's priorities. See the attached department structure in Appendix II (also available on our [website](#)).

Delegation of Authority

In 2007, the Access to Information and Privacy (ATIP) Delegation Order was revised and approved by the new Minister. Full delegated authority is provided to the Assistant Deputy Minister of Small Business and Marketplace Services Sector, and the Director and the Manager (previously titled Deputy Director) of Information and Privacy Rights Administration (IPRA) (see Appendix IV). For the daily ATIP operations, both the Director and the Manager exercise full responsibility.

Information and Privacy Rights Administration

The IPRA (also referred to as the ATIP Office) is under the responsibility of the Information Management Branch, Small Business and Marketplace Services Sector. The Director and the Manager of the IPRA have been delegated the authority to exercise full powers under the *Access to Information Act* and the *Privacy Act*. The Director is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to manage the department's compliance with these Acts. The administration of the legislation in Industry Canada is also facilitated at the branch and regional office levels. Each organizational sector has a Liaison Officer (reporting to an Assistant Deputy Minister, Regional Executive Director, etc.) who coordinates activities and provides guidance on the administrative processes and procedures of the Acts. IPRA, which is located in Ottawa, responds to all formal requests submitted under the Acts. For daily operational purposes, the IPRA Director reports to the Director General of the Information Management Branch. For the purposes of the ministerial delegated authority on ATIP matters, the IPRA Director reports directly to the Assistant Deputy Minister of Small Business and Marketplace Services, who in turn reports to the Deputy Minister.

IPRA makes decisions on the disposition of access requests; promotes awareness of the legislation to ensure departmental responsiveness to the obligations imposed by law; monitors and advises on departmental compliance with the Acts, regulations, procedures and policies; and acts as the spokesperson for the Department in dealings with the Treasury Board Secretariat, the Information Commissioner, the Privacy Commissioner, and other government departments and agencies.

IPRA is responsible for conducting consultations with other governments and other federal departments with respect to the processing of access and privacy requests. The Department also collects, under various legislative authorities or otherwise, an appreciable amount of commercial information in confidence from both national and international companies. In the event of requests for such information, the Department will undertake appropriate notification and consultation procedures with interested parties before disclosing any records.

With respect to its organization, IPRA has a complement of 15 employees comprising a director, a manager, 11 advisors and 2 support staff, all of whom are dedicated to processing access and privacy requests, along with other related functions.

Consistent with many ATIP offices, IPRA continued to face challenges in recruiting, developing and retaining staff in 2007-08. Of the 15 IPRA positions, only 11 were staffed for the majority of the reporting period. The 11 staffed positions consisted of the director, a manager in development, three senior advisors (PM-05 level) and six positions at the PM-03 level or lower. The more junior staff were, for the most part, in development. During part of the reporting period, a consultant was hired to help with the workload. See the attached organizational structure (Appendix III).

2007-08 Highlights

Workload

In 2007-08, the Department received 342 access requests and carried forward 68 access requests from the previous year. One hundred and forty-three consultation requests were received from more than 36 other government departments. Sixteen requests for copies of documents that were previously released under the *Access to Information Act* were received and processed informally and thus are not reported in the statistics of Appendix I.

While the total number of requests received was slightly lower from the previous year (348 compared to 374), the scope, complexity and volume of the documents captured increased. Overall, the Department completed a total of 437 requests (292 access, 6 privacy and 139 consultations) as compared to 545 completed the previous year. However, the volume (average pages per case) more than doubled, and there was an increase of approximately 70 000 pages reviewed in 2007-08 compared to last year's numbers.

Education and Training Activities

IPRA prepared and delivered 13 ATIP training and awareness sessions to departmental employees within the National Capital Region, with an average attendance of 25 employees per session. Upon request, sessions may be tailored to suit the needs of a specific group. In addition to these formal sessions, an intranet site is used to create awareness and disseminate information to employees.

ATIP — Professional Development Program

In 2005, Industry Canada launched the ATIP — Professional Development Program (ATIP-PDP) to develop employees from the PM-01 to the PM-04 level within the ATIP function. The program's objective is to provide training and development in the acquisition of knowledge of ATIP legislation, policy and directives. Participants progressively acquire new competencies to meet both statutory and institutional needs, while maintaining and enhancing existing competencies to meet operational needs. Upon completion of the program, participants are fully functioning ATIP specialists (PM-04 or equivalent).

There have been four participants in the ATIP-PDP. One has graduated to the PM-04 level, another left the program to take on a new position outside of the ATIP environment, and two are currently in development at the PM-03 level. In the longer term, it is expected that the ATIP-PDP will contribute to employee retention and allow for better succession planning.

Policies and Procedures

Industry Canada ensures that Treasury Board policies are implemented, either through internal departmental policies and/or directives and guidelines.

Fees

The *Access to Information Act* authorizes fees for certain activities related to the processing of formal requests under the Act. In addition to a \$5 application fee, search, preparation and reproduction charges may also apply. The current fee structure is specified in the *Access to Information Regulations*. No fees are imposed for reviewing records, overhead or shipping costs.

Moreover, in accordance with Section 11 of the Act, no fees are charged for the first five hours required to search for a record or prepare any part of it for disclosure.

The *Access to Information Act* permits the waiving of fees when a request is deemed to be in the public interest. The Department routinely waives fees under \$25, in accordance with Treasury Board policy and guidelines.

Industry Canada normally collects between \$3 000 and \$4 000 annually in user fees (paid to the Receiver General for Canada), which are reported in the *Industry Canada Performance Report* in keeping with the Policy on Service Standards for External Fees. Fees more than doubled in 2007-08 to \$6 240.

Use of CDs

Since 2002-03, the Department has provided CDs containing the images of the processed records in response to all requests received pursuant to both the *Access to Information Act* and the *Privacy Act*. This initiative has reduced paperwork burden and eliminated reproduction fees and on-site visits from applicants, as well as improved timeliness and efficiency in managing the ATIP program and services. The Department does not charge for CDs.

Formal and Informal Practices

Consistent with the principle that the Act is intended to complement, rather than replace, existing procedures for access to government information, informal requests may be addressed directly to branches within the Department. The IPRA routinely directs requestors to the relevant sectors. Formal requests are processed by IPRA.

Publicly Accessible Information, Website and Enquiry Points

The Department is broad and diverse in nature and manages various distinct laws that legally allow for publicly accessible information. Industry Canada has a comprehensive website and provides a number of enquiry points where the public may submit a query and obtain information on an informal basis, namely:

- ▶ ic.gc.ca (formerly "Strategis")
- ▶ Canada Business
- ▶ Canadian Consumer Information Gateway
- ▶ Canadian Intellectual Property Office
- ▶ Corporations Canada
- ▶ Office of the Superintendent of Bankruptcy

ATIP Website

IPRA also has its own Internet site (www.ic.gc.ca/cmb/welcomeic.nsf/ICPages/AccessToInformation). The site contains general information, points of contacts and links to other key departments and agencies, including the ATIP Offices for the Industry Portfolio.

Info Source

IPRA is responsible for providing a full accounting of the department's information holdings to the Treasury Board Secretariat, and it ensures that updates are provided on a timely basis for inclusion in Info Source. Info Source contains a description of program records held by Industry Canada. This information may be found in the latest publications:

- ▶ *2007–2008 Info Source — Sources of Federal Government Information*
- ▶ *2007–2008 Info Source — Sources of Federal Employee Information*

Info Source may be obtained through public and academic libraries, or may be viewed online at www.infosource.gc.ca/index-eng.asp.

Reading Rooms

A reading room is available at Industry Canada headquarters and in all regional offices as required. Current departmental manuals are available for review upon request from the public or may be provided electronically.

Information Management Policy

Retention and Disposal

The Corporate Integrated Records Services of Industry Canada develops, in association with program officials, the retention periods to correspond with business, legal and accountability requirements and will dispose of records in accordance with the record disposition authorities approved by Library and Archives Canada.

Security Policy

Categorization of Documents

Given the sensitivity surrounding confidential commercial information belonging to businesses, the Department ensures that appropriate security provisions are in place in keeping with both legislative and policy requirements.

Section 67.1 — Obstructing Right of Access

An internal policy and directives concerning Section 67.1 of the *Access to Information Act* have been implemented in association with internal security services.

ACCESS TO INFORMATION — TRENDS AND STATISTICS

Significant Trends

Historically, businesses and organizations (e.g., political parties and associations) have accounted for about 60 percent of the ATI requests received by the Department. This year, however, media accounted for 32 percent of requests received and became the second most frequent type of user after businesses (37 percent of requests).

Since the proactive disclosure initiative, there has been a decrease in requests for travel and hospitality and an increase for contracts and deliverables. The use of listings extracted from databases has also become popular and has reduced the scope of requests.

Statistical Report — Interpretation and Explanation

Appendix I provides a summarized statistical report on *Access to Information Act* applications processed from April 1, 2007 to March 31, 2008. The following provides explanations and interpretations of information contained in this report.

I. Requests Under the *Access to Information Act*

Of the 410 requests dealt with during this reporting period, 342 requests were new, while 68 requests were carried forward from the previous year. The percentage breakdown by type of user was:

Business (includes professional requesters)	37%
Media	32%
Public	15%
Academic	10%
Organization (includes political parties)	6%

II. Disposition of Requests Completed

Of the 410 active requests, 292 requests (71 percent) were completed during the 2007–08 reporting period, and 118 requests (29 percent) remained to be processed as of March 31, 2008. The completed requests are categorized as follows:

All Disclosed — In 64 of the 292 requests completed, the requesters were provided with total access to the relevant records.

Disclosed in Part — In 145 cases, the requesters were granted partial access.

Nothing Disclosed (Excluded) — There were four requests for which information could not be disclosed because all of the information was excluded under the Act.

Nothing Disclosed (Exempted) — There were two requests for which information could not be disclosed because all of the information was exempted under the Act.

In addition, there were cases in which no access could be provided due to situations beyond the control of the Department (e.g., program transferred, unable to process, abandoned by applicant or treated informally — see details below).

Transferred — Of the 292 requests processed, four concerned records that were not under the control of the Department. After initial processing, these requests were transferred to the appropriate government institution in accordance with the Act.

Unable to Process — After initial review, the Department was unable to process requests in 45 cases. Most of the cases were nil response because there were no records.

Abandoned by Applicant — Of the processed requests, 10 cases were abandoned by the applicant. Such an action may occur at any stage of the request processing.

Treated Informally — In 18 cases, it was determined that the information could be released informally rather than through the formal procedures of the Act.

III. Exemptions Invoked

As noted in Appendix I, exemptions under sections 13–16, 18–24 and 26 of the *Access to Information Act* were invoked by the Department. It should be noted that if five different exemptions were used in one request, one exemption under each relevant section would be reported for a total of five. If the same exemption is used several times for the same request, it is reported as one.

IV. Exclusions Cited

The *Access to Information Act* does not apply to published material, material available for purchase by the public or confidences of the Queen's Privy Council for Canada, pursuant to sections 68 and 69 of the Act, respectively. As in the case of exemptions, Appendix I shows the types of exclusions invoked to deny access.

V. and VI. Completion Time and Extensions

In 55 percent of completed cases, the Department was able to respond within the legislated 30 days or less. Approximately 45 percent of completed cases required extensions under the Act to allow external consultation with third parties and other government departments and agencies and had the following response times: 10 percent within 31 to 60 days, 15 percent within 61 to 120 days, and 20 percent over 121 days.

VII. Translations

There were no requests for which the records required translation.

VIII. Method of Access

In 209 cases, documents were released and the requesters received copies of the material that they were seeking either in paper or on CD. It should be noted that this figure reflects only those requests where information was all disclosed or disclosed in part.

IX. Fees

The fees collected during the reporting period totalled \$6 240, more than double the amount collected in 2006–07. This increase was largely due to additional search fees. In accordance with government policy, it is the department's practice to waive fees where the total owing per request is less than \$25. Fees waived during 2007–08 totalled \$1 595. Fees collected in 2007–08 represented less than 0.6 percent of the department's total administration costs of \$1 078 854.

X. Costs

Total salary costs associated with *Access to Information Act* activities were estimated at \$902 116 for this reporting period. Non-salary costs were estimated at \$176 738 for a total cost of \$1 078 854. The associated human resources (includes both IPRA and departmental officials) required to fulfill this function were estimated at 14.70 full-time employees.

Complaints, Investigations and Appeals

The Department received a total of 16 complaints during this reporting period, compared to 14 the previous year. Reasons for the complaints ranged from extensions (3), delays (2), exclusions/exemptions (4) to general refusal (7) meaning more records may exist or records were not provided. There were no complaints relating to fees. Following investigations, 9 of the 16 complaints were concluded by the Information Commissioner, with 8 considered resolved and 1 not substantiated.

There were no appeals to the Federal Court of Canada during this reporting period.

Changes Resulting from Issues Raised by Officers of Parliament

Office of the Information Commissioner of Canada (OIC)

Except for the statistical information concerning complaints, there were no other references to Industry Canada in the Information Commissioner's 2006–07 annual report published last June.

With respect to OIC Report Card process, the Information Commissioner reported that Industry Canada achieved a 92-percent compliance rate for fiscal year 2006–07, and maintained it for the period of April 1, 2007 to November 30, 2007. Based on the Commissioner's compliance formula, the Department achieved a 94-percent on-time compliance rate at the end of this reporting period and no further reporting was required.

However, as part of the Report Card process, the Information Commissioner recommended that:

1. The Deputy Minister take responsibility to ensure that the ATIP Office implements all of the recommendations and status reviews to ensure that the Department attains and maintains a 95-percent on-time compliance level.

Departmental action:

Senior executives ensure that employees respect the legal obligations of the legislation and respond in a timely fashion to IPRA. Processes have been simplified to reduce delays, and IPRA provides weekly status reports on all ATI requests.

2. ATIP Office develop an ATI business case to determine the required resources.

Departmental action:

IPRA hired a consultant to review and assess the existing structure of the ATIP Office. The final report was received in June 2008 and the recommendations are under review. In addition, a consultant was hired to review and complete a mapping exercise of the legal ATIP functions and activities.

3. Industry Canada devote the resources and the effort necessary to meet the time requirements of the *Access to Information Act*.

Departmental action:

Results of the organizational assessment will be reviewed to determine if additional resources are required.

It should be noted that the Department will not be included in the 2008–09 revised Report Card process.

Office of the Auditor General of Canada

There is nothing to report under this item for this reporting period.

APPENDIX I — STATISTICAL REPORT ON THE
ACCESS TO INFORMATION ACT

**REPORT ON THE ACCESS TO INFORMATION ACT
RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION**

 **Government of Canada** **Gouvernement du Canada**

Institution INDUSTRY CANADA INDUSTRIE CANADA			Reporting period Période visée par le rapport. 4/1/2007 to/à 3/31/2008		
Source	Media Médias 108	Academia Secteur universitaire 36	Business Secteur commercial 126	Organization Organisme 22	Public 50

I Requests under the Access to Information Act Demandes en vertu de la Loi sur l'accès à l'information	
Received during reporting period Reçues pendant la période visée par le rapport	342
Outstanding from previous period En suspens depuis la période antérieure	68
TOTAL	410
Completed during reporting period Traitées pendant la période visée par la	292
Carried forward Reportées	118

II Disposition of requests completed Disposition à l'égard des demandes traitées			
1. All disclosed Communication totale	64	6. Unable to process Traitement impossible	45
2. Disclosed in part Communication partielle	145	7. Abandoned by applicant Abandon de la demande	10
3. Nothing disclosed (excluded) Aucune communication (exclusion)	4	8. Treated informally Traitement non officiel	18
4. Nothing disclosed (exempt) Aucune communication (exemption)	2	TOTAL	292
5. Transferred Transmission	4		

III Exemptions invoked Exemptions							
S. Art. 13(1)(a)	9	S. Art. 16(1)(a)	8	S. Art. 18(b)	1	S. Art. 21(1)(a)	83
(b)	1	(b)	0	(c)	0	(b)	89
(c)	4	(c)	1	(d)	2	(c)	11
(d)	0	(d)	0	S. Art. 19(1)	92	(d)	4
S. Art. 14	12	S. Art. 16(2)	0	S. Art. 20(1)(a)	2	S. Art. 22	4
S. 15(1) International rel. Relations intern.	1	S. Art. 16(3)	0	(b)	43	S. Art. 23	23
Defence Défense	27	S. Art. 17	0	(c)	60	S. Art. 24	10
Subversive activities Activités subversives	0	S. Art. 18(a)	0	(d)	3	S. Art. 26	1

IV Exclusions cited Exclusions citées			
S. Art. 68(a)	8	S. Art. 69(1)(c)	3
(b)	0	(d)	7
(c)	0	(e)	24
S. Art. 69(1)(a)	10	(f)	3
(b)	1	(g)	54

V Completion time Délai de traitement	
30 days or under 30 jours ou moins	161
31 to 60 days De 31 à 60 jours	29
61 to 120 days De 61 à 120 jours	44
121 days or over 121 jours et plus	58

VI Extensions Prorogations des délais		
	30 days or under 30 jours ou moins	31 days or over 31 jours ou plus
Searching Recherche	0	3
Consultation	6	106
Third party Tiers	0	7
TOTAL	6	116

VII Translations Traductions		
Translations requested Traductions demandées		0
Translations prepared Traductions préparées	English to French De l'anglais au français	0
	French to English Du français à l'anglais	0

VIII Method of access Méthode de communication	
Copies given Copies de l'original	209
Examination Examen de l'original	0
Copies and examination Copies et examen	0

IX Fees Frais			
Net fees collected Frais nets perçus			
Application fees Frais de la demande	\$1,435.00	Preparation Préparation	\$4,305.00
Reproduction	\$0.00	Computer processing Traitement informatique	\$0.00
Searching Recherche	\$500.00	TOTAL	\$6,240.00
Fees waived Dispense de frais		No. of times Nombre de fois	\$
\$25.00 or under 25 \$ ou moins		220	\$1,208.60
Over \$25.00 De plus de 25 \$		5	\$386.50

X Costs Coûts	
Financial (all reasons) Financiers (raisons) (\$000)	
Salary Traitement	902,116.0
Administration (O and M) Administration (fonctionnement et maintien)	176,738.0
TOTAL	1,078,854.0
Person year utilization (all reasons) Années-personnes utilisées (raisons)	
Person year (decimal format) Années-personnes (nombre décimal)	14.70

**Supplemental Reporting
Requirements for 2007-2008**

Access to Information Act

In addition to the reporting requirements addressed in form TBS/SCT 350-62 "Report on the Access to Information Act", institutions are required to report on the following using this form:

Part III – Exemptions invoked

Section 13

Subsection 13(e) 0

Section 14

Subsections 14(a) 10

14(b) 2

Part IV – Exclusions cited:

Subsection 69.1 102

**Exigences en matière de rapports
pour 2007-2008**

Loi sur l'accès à l'information

En plus des exigences relatives à l'établissement de rapports dont on traite dans le formulaire TBS/SCT 350-62, « Rapport concernant la Loi sur l'accès à l'information », les institutions sont tenues de déclarer ce qui suit en utilisant le présent formulaire :

Partie III – Exceptions invoquées

Article 13

Paragraphe 13(e) 0

Article 14

Paragraphe 14(a) 10

14(b) 2

Partie IV – Exclusions citées

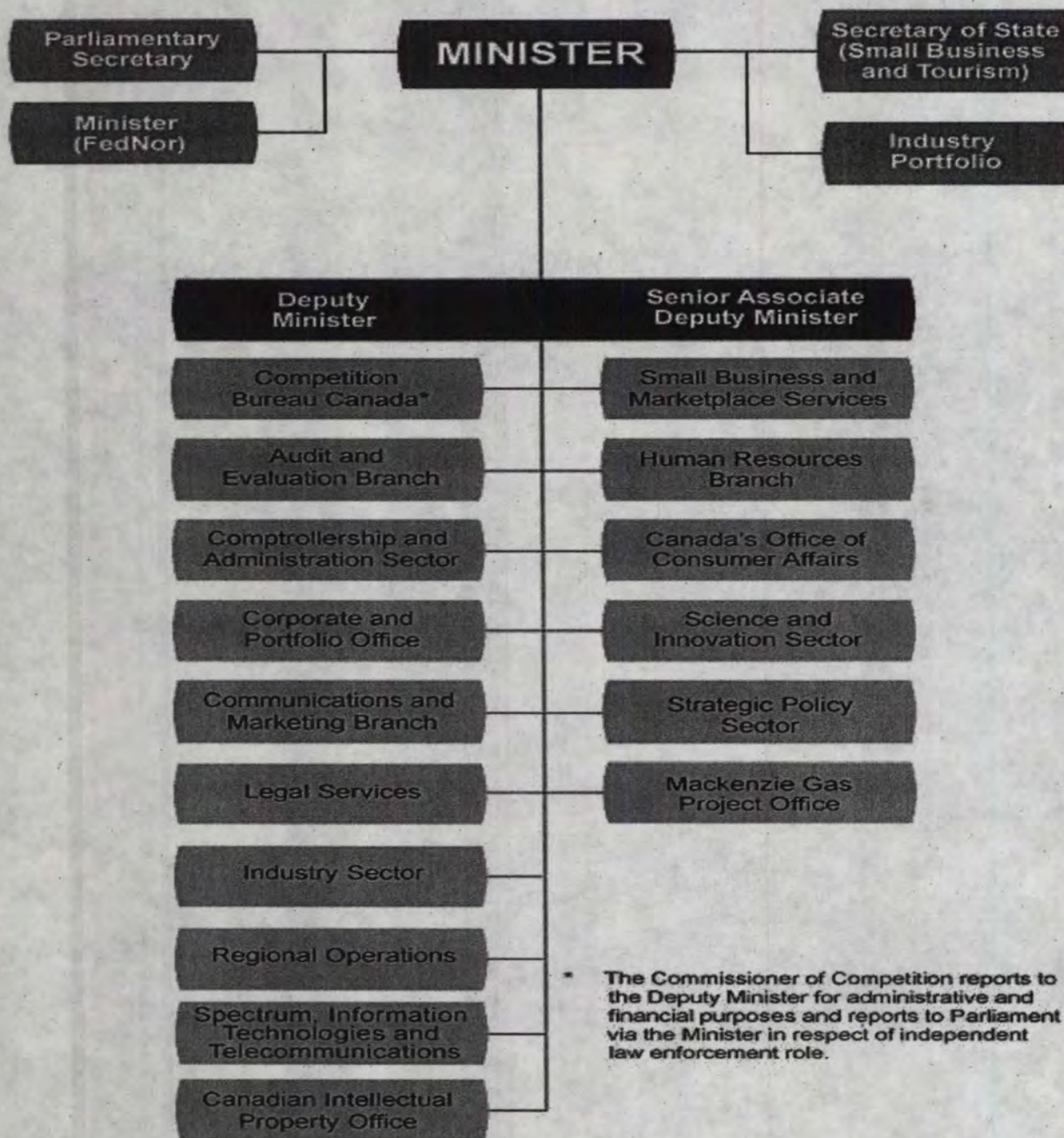
Paragraphe 69.1 102

Industry Canada

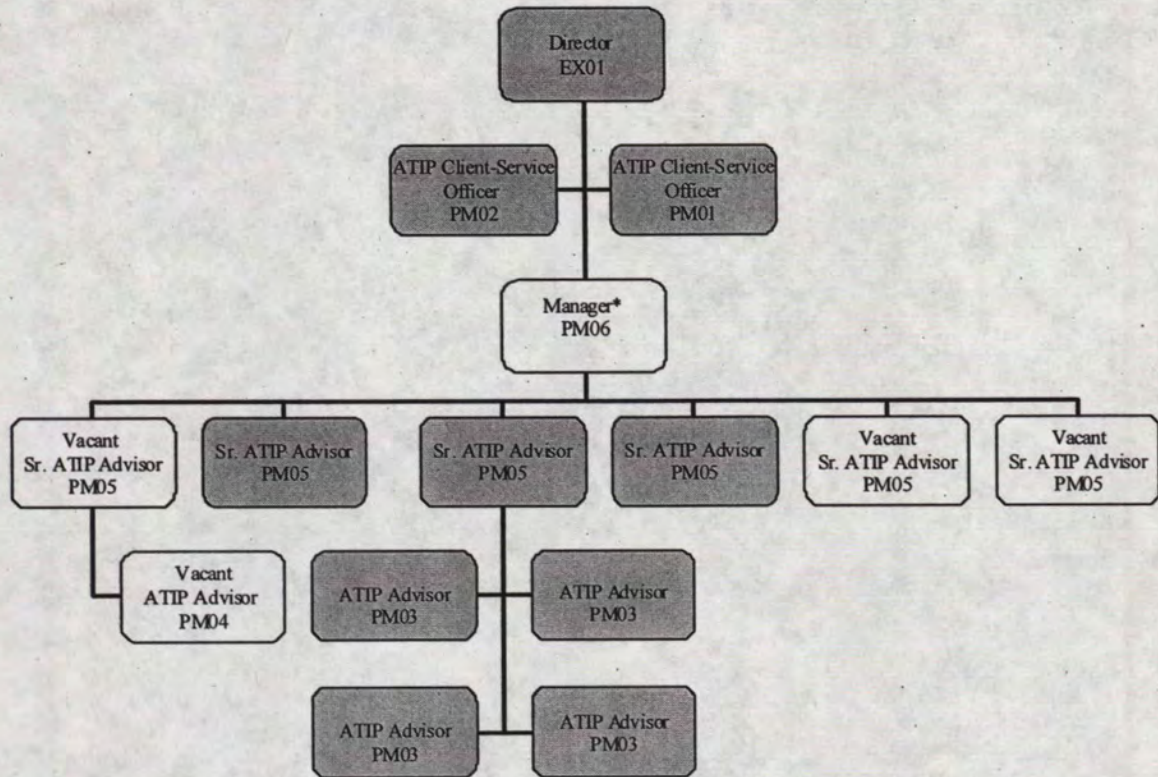
Industrie Canada

Discrepancies	Divergences
No discrepancies to report	Aucune divergence à rapporter

APPENDIX II — INDUSTRY CANADA DEPARTMENT STRUCTURE



APPENDIX III — IPRA ORGANIZATIONAL STRUCTURE



* As part of a developmental initiative, the manager's position was temporarily filled via a departmental secondment process.

APPENDIX IV — DELEGATION OF AUTHORITY

Industry Canada / Industrie Canada

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 protection des renseignements personnels

The Minister of Industry Canada, pursuant to section 73 of the *Access to Information Act* and the *Privacy 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 and functions of the Minister as the head of a government institution, under the section of the Acts set out in the schedule opposite each position. This Delegation Order supersedes all previous Delegation Orders.

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et la *Loi sur la protection des renseignements personnels*, le Ministre d'Industrie Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire les-dits postes, les attributions dont il est, en qualité de responsable d'une institution fédérale, investie par les articles des lois mentionnées en regard de chaque poste. Le présent décret de délégation remplace et annule tout décret antérieur.

Schedule / Annexe

Position / Poste	<i>Access to Information Act</i> and Regulations / <i>Loi sur l'accès à l'information</i> et règlements	<i>Privacy Act</i> and Regulations / <i>Loi sur la protection des renseignements personnels</i> et règlements
Assistant Deputy Minister, Small Business and Marketplace Services / Sous-ministre adjoint(e), Services axés sur le marché et les petites entreprises	Full authority / Autorité absolue	Full authority / Autorité absolue
Director, Information and Privacy Rights Administration (IPRA), Information Management Branch / Directeur (trice), Administration des droits à l'information et à la protection des renseignements personnels (ADIPRP), Gestion de l'information	Full authority / Autorité absolue	Full authority / Autorité absolue

Deputy Director, IPRA-
IMB / Directeur (trice)
Adjoint(e), ADIPRP-DGI

Full authority / Autorité
absolue

Full authority / Autorité
absolue

and

Senior Advisor IPRA, IMB
/ Conseiller (ère)
principal(e), ADIPRP -
DGI

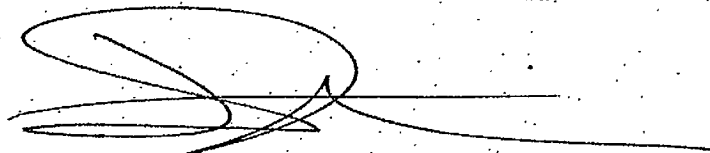
Sections / Articles: 7, 8(1),
9, 11, 13, 14, 15, 16, 17,
18, 19, 20, 21, 22, 23, 24,
25, 26, 27(1), 68, 69

Sections / Articles : 8, 14,
15, 19, 20, 21, 22, 23, 24,
25, 26, 27, 28, 69, 70

Dated, at the City of Ottawa
this *23* day of *October*, 2007

Daté, en la ville d'Ottawa
ce *23* jour de *Octobre* 2007

THE HONOURABLE JIM PRENTICE
MINISTER OF INDUSTRY CANADA



MINISTRE D'INDUSTRIE CANADA
L'HONORABLE JIM PRENTICE