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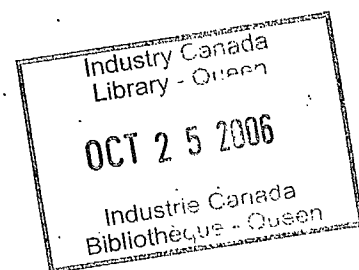
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2004–05 Annual Report
on the
Access to Information Act
and the
Privacy Act

Canada



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on the
Access to Information Act
and the
Privacy Act

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Cat. No. Iu1-4/2005
ISBN 0-662-69012-5
54283B



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PREFACE

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

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. The *Privacy Act* extends to individuals the right of access to information about themselves held by the government, again subject to specific and limited exceptions. The law also protects the individual's privacy by preventing others from having access to personal information and gives individuals substantial control over its collection and use.

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

This annual report is intended to describe how Industry Canada administered its responsibilities in the twenty-second year of operation of the *Access to Information Act* and the *Privacy Act*.

ABOUT THE ORGANIZATION

Overview of Industry Canada

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; and
- ensures a more sustainable economic, environmental and social future for Canadians.

Through its three strategic objectives (a fair, efficient and competitive marketplace; an innovative economy; and competitive industry and sustainable communities), Industry Canada aims to help Canadians contribute to the knowledge economy and improve productivity and innovation performance.

In order to foster growth and create high-quality, well-paying jobs, the Government of Canada has set as one of its core priorities the building of a 21st century economy. Industry Canada will continue to work in support of this priority through its strategic outcomes.

For more information about Industry Canada's initiatives, please visit the website (www.ic.gc.ca/cmb/Welcomeic.nsf/ICPages/Menu-e).

Information and Privacy Rights Administration

The Director of the Information and Privacy Rights Administration (hereinafter referred to as the "ATIP Office") has been delegated 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 within 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. All formal requests submitted under the Acts are replied to by the ATIP Office in Ottawa. The Director reports to the Senior General Counsel of Business Law who in turn reports to the Deputy Minister. In addition to the Director, the Senior General Counsel Business Law is also designated with full powers under both Acts.

The ATIP Office has a complement of fifteen employees comprising one director, twelve advisors, and two support staff, all of whom are dedicated to processing access and privacy requests along with other related functions.

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

The ATIP Office is responsible for conducting consultations with other governments and other federal departments. 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. The ATIP Office has, on occasion, conveyed personal information to federal investigative agencies in keeping with the provisions of the *Privacy Act*.

The Director of the ATIP Office is the point of contact on issues involving the collection of personal information and privacy.

Case Load

In the fiscal year 2004–05, the Department received 343 access requests and 19 privacy requests, for a total of 362 new requests for information. In addition, the ATIP Office received 120 consultation requests from other government departments.

Informal requests for information about the Department are dealt with directly by the sector branches and, therefore, are not tracked by the ATIP Office. However, the ATIP Office did process eight requests, with the consent of the requesters, on an informal basis.

During this reporting period, the ATIP Office also received 17 requests for copies of documents that were previously released under the *Access to Information Act*. These were processed informally and are not reported in Appendix 1.

The total number of requests received, although reduced from the previous year, still remains significant with respect to the scope, complexity and volume of documents captured. Overall, the Department completed a total of 511 requests (372 access, 22 privacy and 117 consultation).

Other Business

In addition to processing requests under the *Access to Information Act* and the *Privacy Act*, the ATIP Office also responds to, on average, 20 to 50 requests from the general public every year. Documents requested include information about urea-formaldehyde foam insulation (UFFI) and its removal from homes. These types of requests are not included in the statistical information contained in the appendices.

In keeping with government guidelines, the Department was also consulted by 30 other government institutions in 120 cases, where the records sought from these institutions related to the activities of Industry Canada. This represents a slight decrease from 2003–04 as compared to the 135 consultation requests received in that period. Except for the administrative costs, the statistics related to these cases are not reflected in the appendices.

Privacy Impact Assessments

In 2004–2005, none were reported. Please see our website (www.ic.gc.ca/cmb/welcomeic.nsf/AccessToInfo/References) for more information.

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. No fees are applicable under the *Privacy Act*.

The *Access to Information Act* permits the waiving of fees when deemed to be in the public interest. In accordance with Treasury Board guidelines, the Department has routinely waived fees under \$25.

For fees over \$25, the Department examines fee waiver requests on a case-by-case basis. In considering such requests, the Department has taken into account costs in processing each access application and the degree of public benefit to be derived from the release of the accessible information. As indicated later in this report, the fees collected represent less than 0.2 percent of the Department's total administration costs.

Information Holdings

The ATIP Office is responsible for providing a full accounting of the Department's information holdings to the Treasury Board Secretariat and ensures that updates are provided on a timely basis for inclusion in the *Info Source* publications.

The *Info Source* publications contain a description of the classes of institutional records held by Industry Canada. Industry Canada does not have any exempt banks. You may find this information in the latest publications:

- 2004-2005 *Info Source* — *Sources of Federal Government Information*
- 2004-2005 *Info Source* — *Sources of Federal Employee Information*

Info Source can be obtained through public and academic libraries or you may view it online on the Treasury Board Secretariat website (infosource.gc.ca/index-e.html).

Website

The ATIP Office also has its own Internet site (www.ic.gc.ca/cmb/welcomeic.nsf/ICPages/AccessToInformation). At present, the site contains general information and links to other key departments and agencies.

Reading Rooms

A reading room is available in the public access area of the ATIP Office at headquarters and in all regional offices. Current departmental manuals are made available for review on request from the public.

PART I — ACCESS TO INFORMATION

Statistical Report — Interpretation and Explanation

Appendix I provides a summarized statistical report on the *Access to Information Act* applications dealt with during the period from April 1, 2004, to March 31, 2005. The following provides explanations and interpretations for information contained in this report.

I. Requests Under the *Access to Information Act*

Of the 423 requests dealt with during this reporting period, 343 requests (81 percent) were new, while 80 requests (19 percent) were carried forward from the previous year.

This fiscal year, the largest number of access requests were received by organizations as denoted in Appendix I. A breakdown of Industry Canada clients for the 2004–05 period is as follows:

Media	9%
Academic	1%
Business (includes professional requesters)	41%
Organization (includes political parties)	21%
Public	28%

II. Disposition of Requests Completed

Of the 423 requests dealt with, 372 requests (88 percent) were completed during the 2004–05 reporting period. It follows that 51 requests (12 percent) remained to be processed as of March 31, 2005. The completed requests are categorized as follows:

All Disclosed — Of the 372 requests completed, the requesters were provided with total access to the relevant records in 55 cases.

Disclosed in Part — In another 197 instances, the requesters were granted partial access.

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

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

The cases in which no access could be provided were mostly attributable to situations beyond the control of the Department (i.e. transferred, unable to process, abandoned by applicant and treated informally — see details below).

Transferred — Of the 372 requests completed, 21 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 57 cases.

Abandoned by Applicant — Of the completed requests, 28 were eventually considered abandoned. Such an action may occur at any stage of request processing.

Treated Informally — In eight 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, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24 and 26 of the *Access to Information Act* were invoked by the Department. The appendix is intended to show the types of exemptions invoked to deny access. For example, if in one request five different exemptions were used, 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 only once.

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, pursuant to sections 68 and 69 of the Act respectively. As in the case of exemptions, Appendix I is intended to show the types of exclusions invoked to deny access.

V. & VI. Completion Time and Extensions

In 55 percent of completed cases, the Department was able to respond within 30 days or less. Approximately 41 percent of completed cases required extensions under the Act. Response times for cases where the Department was unable to respond within the original 30 days are as follows: 11 percent within 31 to 60 days, 16 percent within 61 to 120 days, and 18 percent over 121 days.

VII. Translations

No translations were required in dealing with these requests.

VIII. Method of Access

In 252 cases, the requesters received copies of the material they were seeking. In one case, access was provided by a combination of copies and in-person examination. It should be noted that the data in this section reflect only those requests where information was all disclosed or disclosed in part.

IX. Fees

The fees collected during the reporting period totalled \$2 095.00. In accordance with government policy, it is the Department's practice to waive fees where the total owing per request amounts to less than \$25. Fees waived during 2004-05 represented \$1 746.30. Fees collected in 2004-05 represent less than 0.2 percent of the Department's total administration costs.

You will also note that the fees waived in this reporting period occurred in 251 cases, a decrease from the 389 in last year's reporting period. This is due to a new electronic disclosure service. In order to reduce costs and increase efficiency, documents released are being provided on CD-ROM, which means no copy charges for the applicant.

X. Costs

Total salary costs associated with *Access to Information Act* activities are estimated at \$826 426 for 2004-05. Other costs amounted to \$178 955 for a total of \$1 005 382. The associated full-time employee resources for 2004-05 are estimated at 13.67 Department-wide.

Complaints and Appeals

Complaints and Investigations

The Department received a total of 21 complaints this reporting period, a decrease of 86 percent from the previous year. Of these complaints, eight complaints concerned delays, three related to extensions, one was miscellaneous, five related to exemptions applied and four related to general refusal.

Following investigation, seven complaints were found to be unsubstantiated, three were resolved, and 11 were still pending at the end of this reporting period.

Appeals to the Federal Court

There were no appeals filed in 2004-05.

Formal/Informal Interface

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. Formal requests are processed by the ATIP Office.

PART II — PRIVACY

The ATIP Office regularly provides advice and guidance on important and sensitive policy issues, including the handling and protection of personal information gathered and held in departmental files.

Statistical Report — Interpretation and Explanation

Appendix II provides a summarized statistical report on the requests for personal information received under the *Privacy Act* that were dealt with during the period from April 1, 2004, to March 31, 2005. The following provides explanations and interpretations for information contained in this report.

I. Requests Under the *Privacy Act*

Of the 23 requests dealt with during this reporting period, 19 requests (82 percent) were new, while four requests (18 percent) were carried forward from the previous year.

II. Disposition of Requests Completed

Of the 23 requests dealt with, 22 requests (96 percent) were completed during the 2004–05 reporting period. It follows that one request (four percent) remained to be processed as of March 31, 2005. The completed requests are categorized as follows:

All Disclosed — In two cases, the requesters were granted full access.

Disclosed in Part — In 11 cases, the requesters were granted partial access.

Unable to Process — After initial review, the Department was unable to process seven requests.

Abandoned by Applicant — Of the completed requests, two were deemed abandoned. Such an action may occur at any stage of request processing.

III. Exemptions Invoked

As noted in Appendix II, exemptions pursuant to sections 22, 26 and 27 of the *Privacy Act* were invoked by the Department.

IV. Exclusions Cited

No exclusions were invoked by the Department.

V. & VI. Completion Time and Extensions

In 64 percent of completed cases, the Department was able to respond within 30 days or less. Approximately 36 percent of completed cases required extensions under the Act. Response times for cases where the Department was unable to respond within the original 30 days are as follows: 27 percent were completed within 31 to 60 days, nine percent over 121 days.

VII. Translations

No translations were undertaken in dealing with these requests.

VIII. Method of Access

Copies of the records were given in response to 13 requests and none sought the right of examination. It should be noted that this category reflects only those requests where the information was all disclosed or disclosed in part.

IX. Corrections and Notation

No requests for corrections or notation were received.

X. Costs

Total salary costs associated with *Privacy Act* activities are estimated at \$41 368.10 for 2004-05. Other costs were estimated at \$9 418.70, for a total cost of \$50 786.80. The associated full-time employee resources for 2004-05 are estimated at 0.68 Department-wide.

Complaints and Appeals

Complaints and Investigations

The Department received a total of three complaints this reporting period. One complaint concerned exemptions claimed and two were related to general refusal. Three complaints remain outstanding.

Appeals to the Federal Court

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

Disclosure Under Section 8(2)(e) of the *Privacy Act*

There were no requests for disclosure under section 8(2)(e) of the *Privacy Act* received by the Department from a federal investigative body for the 2004-05 reporting period.

Use and Disclosure

The intent and requirements of the *Privacy Act* and Treasury Board guidelines regarding the collection, use, disclosure, retention and disposal of personal information are outlined in departmental directives. Departmental employees are made aware of their responsibilities for the proper management of personal information holdings. Responsible sectors are also required to consult with the ATIP Office before collecting any personal information. The Department respects the Use and Disclosure Code.

Furthermore, the ATIP Office must be notified where personal information in a personal information bank is used or disclosed for a use consistent with the purpose for which the information was obtained or compiled, but was not identified in the statement of consistent uses published in *Info Source*.

Formal/Informal Interface

Employees of the Department continue to be able to access their personnel files on an informal basis, usually without recourse to the Director of the ATIP Office. Requests from individuals have been handled as expeditiously as possible both formally and informally.

APPENDIX I: REPORT ON THE *ACCESS TO INFORMATION ACT*



Government
of Canada

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

Institution INDUSTRY CANADA INDUSTRIE CANADA			Reporting period Période visée par le rapport 4/1/2004 to/à 3/31/2005		
Source	Media Médias 32	Academia Secteur universitaire 4	Business Secteur commercial 141	Organization Organisme 70	Public 96

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	343
Outstanding from previous period En suspens depuis la période antérieure	80
TOTAL	423
Completed during reporting period Traitées pendant la période visée par le rapport	372
Carried forward Reportées	51

II Disposition of requests completed Disposition à l'égard des demandes traitées

1. All disclosed Communication totale	55	6. Unable to process Traitement impossible	57
2. Disclosed in part Communication partielle	197	7. Abandoned by applicant Abandon de la demande	28
3. Nothing disclosed (excluded) Aucune communication (exclusion)	5	8. Treated informally Traitement non officiel	8
4. Nothing disclosed (exempt) Aucune communication (exemption)	1	TOTAL	372
5. Transferred Transmission	21		

III Exemptions invoked Exemptions invoquées

S. Art. 13(1)(a)	11	S. Art. 16(1)(a)	10	S. Art. 18(b)	1	S. Art. 21(1)(a)	87
(b)	3	(b)	3	(c)	0	(b)	81
(c)	10	(c)	4	(d)	2	(c)	22
(d)	3	(d)	0	S. Art. 19(1)	172	(d)	2
S. Art. 14	25	S. Art. 16(2)	4	S. Art. 20(1)(a)	5	S. Art. 22	6
S. 15(1) International rel. Art. Relations intern.	2	S. Art. 16(3)	0	(b)	76	S. Art. 23	42
Defence Défense	15	S. Art. 17	0	(c)	56	S. Art. 24	9
Subversive activities Activités subversives	0	S. Art. 18(a)	11	(d)	7	S. Art. 26	1

IV Exclusions cited Exclusions citées

S. Art. 68(a)	9	S. Art. 69(1)(c)	3
(b)	0	(d)	18
(c)	0	(e)	15
S. Art. 69(1)(a)	13	(f)	1
(b)	0	(g)	43

V Completion time Délai de traitement

30 days or under 30 jours ou moins	205
31 to 60 days De 31 à 60 jours	41
61 to 120 days De 61 à 120 jours	60
121 days or over 121 jours et plus	66

VI Extensions Prorogations des délais

	30 days or under 30 jours ou moins	31 days or over 31 jours ou plus
Searching Recherche	5	2
Consultation	13	120
Third party Tiers	2	12
TOTAL	20	134

VII Translations Traductions

Translations requested Traductions demandées	0
Translations prepared Traductions préparées	0
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	251
Examination Examen de l'original	0
Copies and examination Copies et examen	1

IX Fees Frais

Net fees collected Frais nets perçus			
Application fees Frais de la demande	\$1,580.00	Préparation Préparation	\$315.00
Reproduction	\$200.00	Computer processing Traitement informatique	\$0.00
Searching Recherche	\$0.00	TOTAL	\$2,095.00
Fees waived Dispense de frais		No. of times Nombre de fois	\$
\$25.00 or under 25 \$ ou moins		246	\$1,537.10
Over \$25.00 De plus de 25 \$		5	\$209.20

X Costs Coûts

Financial (all reasons) Financiers (raisons)		(\$000)
Salary Traitements		826,426.9
Administration (O and M) Administration (fonctionnement et maintien)		178,955.3
TOTAL		1,005,382.2
Person year utilization (all reasons) Années-personnes utilisées (raisons)		
Person year (decimal format) Années-personnes (nombre décimal)		13.67

APPENDIX II: REPORT ON THE *PRIVACY ACT*

RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution	INDUSTRY CANADA INDUSTRIE CANADA	Reporting period Période visée par le rapport 4/1/2004 to/à 3/31/2005
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I Requests under the Privacy Act
Demandes en vertu de la Loi sur la protection des renseignements personnels

Received during reporting period Reçues pendant la période visée par le rapport	19
Outstanding from previous period En suspens depuis la période antérieure	4
TOTAL	23
Completed during reporting period Traitées pendant la période visée par le rapport	22
Carried forward Reportées	1

II Disposition of requests completed
Disposition à l'égard des demandes traitées

1. All disclosed Communication totale	2
2. Disclosed in part Communication partielle	11
3. Nothing disclosed (excluded) Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) Aucune communication (exemption)	0
5. Unable to process Traitement impossible	7
6. Abandoned by applicant Abandon de la demande	2
7. Transferred Transmission	0
TOTAL	22

III Exemptions invoked
Exceptions invoquées

S. Art. 18(2)	0
S. Art. 19(1)(a)	0
(b)	0
(c)	0
(d)	0
S. Art. 20	0
S. Art. 21	0
S. Art. 22(1)(a)	2
(b)	0
(c)	0
S. Art. 22(2)	0
S. Art. 23(a)	0
(b)	0
S. Art. 24	0
S. Art. 25	0
S. Art. 26	10
S. Art. 27	3
S. Art. 28	0

IV Exclusions cited
Exclusions citées

S. Art. 69(1)(a)	0
(b)	0
S. Art. 70(1)(a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

V Completion time
Délai de traitement

30 days or under 30 jours ou moins	14
31 to 60 days De 31 à 60 jours	6
61 to 120 days De 61 à 120 jours	0
121 days or over 121 jours ou plus	2

VI Extensions
Prorogations des délais

	30 days or under 30 jours ou moins	31 days or over 31 jours ou plus
Interference with operations Interruption des opérations	3	0
Consultation	5	0
Translation Traduction	0	0
TOTAL	8	0

VII Translations
Traductions

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

VIII Method of access
Méthode de consultation

Copies given Copies de l'original	13
Examination Examen de l'original	0
Copies and examination Copies et examen	0

IX Corrections and notation
Corrections et mention

Corrections requested Corrections demandées	0
Corrections made Corrections effectuées	0
Notation attached Mention annexée	0

X Costs
Coûts

Financial (all reasons) Financiers (raisons)	(\$000)
Salary Traitement	41,368.1
Administration (O and M) Administration (fonctionnement et maintien)	9,418.7
TOTAL	50,786.8
Person year utilization (all reasons) Années-personnnes utilisées (raisons)	
Person year (decimal format) Années-personnnes (nombre décimal)	0.68