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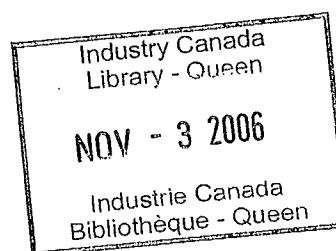
Industrie
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2005–06 Annual Report
on the
Access to Information Act
and the
Privacy Act

Canada

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Access to Information Act
and the
Privacy Act



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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 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-third 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).

Effective February 2006, the Office of the Registrar of Lobbyists (ORL) became an agency and therefore, responsible for processing its own requests under the *Access to Information Act* and the *Privacy Act* (ATIP). Given the fact that all ORL requests were captured within Industry Canada's statistics over most of this fiscal year, it has been included as part of this annual report. ORL will be producing and tabling its own ATIP annual report for the remainder of the fiscal year and future ones.

Information and Privacy Rights Administration

The Director of the Information and Privacy Rights Administration (hereinafter referred to as "IPRA") 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. IPRA, which is located in Ottawa, responds to all formal requests submitted under the acts. 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 of Business Law is also designated with full powers under both acts.

IPRA 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.

IPRA 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.

IPRA 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. IPRA has, on occasion, conveyed personal information to federal investigative agencies in keeping with the provisions of the *Privacy Act*.

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

Case Load

In the fiscal year 2005–06, the Department received 318 access requests and 16 privacy requests, for a total of 334 new requests for information. In addition, the IPRA Office received 203 consultation requests from other government departments.

During this reporting period, IPRA also received 15 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 517 requests (296 access, 17 privacy and 204 consultation).

Other Business

In addition to processing requests under the *Access to Information Act* and the *Privacy Act*, IPRA 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 34 other government institutions in 203 cases, where the records sought from these institutions related to the activities of Industry Canada. This represents a 69 percent increase over the 120 consultation requests received in 2004–2005. Except for the administrative costs, the statistics related to these cases are not reflected in the appendices.

Privacy Impact Assessments

In 2005–06, none were reported. For more information, please visit the website (www.ic.gc.ca/cmb/welcomeic.nsf/AccessToInfo/References).

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 a request is 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

IPRA 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:

- 2005–2006 Info Source — *Sources of Federal Government Information*
- 2005–2006 Info Source — *Sources of Federal Employee Information*

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

Website

IPRA 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 IPRA 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, 2005, to March 31, 2006. The following provides explanations and interpretations for information contained in this report.

I. Requests Under the *Access to Information Act*

Of the 369 requests dealt with during this reporting period, 318 requests (86 percent) were new, while 51 requests (14 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 2005–06 period is as follows:

Media	22%
Academic	5%
Business (includes professional requesters)	34%
Organization (includes political parties)	13%
Public	26%

II. Disposition of Requests Completed

Of the 369 requests dealt with, 296 requests (80 percent) were completed during the 2005–06 reporting period. It follows that 73 requests (20 percent) remained to be processed as of March 31, 2006. The completed requests are categorized as follows:

All Disclosed — Of the 296 requests completed, the requesters were provided with total access to the relevant records in 56 cases.

Disclosed in Part — In another 146 instances, the requesters were granted partial access.

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

Nothing Disclosed (Exempted) — There were 11 requests 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 296 requests completed, nine 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 37 cases.

Abandoned by Applicant — Of the completed requests, 32 were eventually considered abandoned. Such an action may occur at any stage of request processing.

Treated Informally — In two 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 59 percent of completed cases, the Department was able to respond within 30 days or less. Approximately 40 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, 20 percent within 61 to 120 days, and 10 percent over 121 days.

VII. Translations

There was one request for which the records required translation.

VIII. Method of Access

In 202 cases, the requesters received copies of the material that they were seeking. 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 \$2 987.50. 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 2005-06 represented \$1 460.00. Fees collected in 2005-06 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 225 cases, a decrease from the 251 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 \$767 572 for 2005-06. Other costs amounted to \$145 769 for a total of \$913 341. The associated full-time employee resources for 2005-06 are estimated at 12.96 Department-wide.

Complaints and Appeals

Complaints and Investigations

The Department received a total of 16 complaints this reporting period, a decrease of 29 percent from the previous year. Reasons for the complaints ranged from delays, fees, exemptions to general refusal.

Following investigation, two complaints were found to be unsubstantiated, six were resolved, one was discontinued and seven were still pending at the end of this reporting period.

Appeals to the Federal Court

There were six appeals filed in 2005-06. Following negotiations with third parties, five withdrew their appeals to the Federal Court. One appeal remained outstanding at the end of this reporting period.

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 IPRA.

PART II — PRIVACY

IPRA 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, 2005, to March 31, 2006. The following provides explanations and interpretations for information contained in this report.

I. Requests Under the *Privacy Act*

Of the 17 requests dealt with during this reporting period, 16 requests (94 percent) were new, while one request (6 percent) was carried forward from the previous year.

II. Disposition of Requests Completed

Of the 17 requests dealt with, 17 requests (100 percent) were completed during the 2005–06 reporting period. The completed requests are categorized as follows:

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

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

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

Abandoned by Applicant — Of the completed requests, one was 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 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 82 percent of completed cases, the Department was able to respond within legislated delays. The Department was unable to respond within legal deadlines in three cases as noted in Appendix II.

VII. Translations

No translations were undertaken in dealing with these requests.

VIII. Method of Access

Copies of the records were given in response to 12 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 \$36 721 for 2005–06. Other costs were estimated at \$7672, for a total cost of \$44 393. The associated full-time employee resources for 2005–06 are estimated at 0.62 Department-wide.

Complaints and Appeals

Complaints and Investigations

The Department received a total of two complaints this reporting period. Two complaints concerned exemptions claimed and are currently under investigation.

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 was one request for disclosure under section 8(2)(e) of the *Privacy Act* received by the Department for the 2005–06 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 IPRA before collecting any personal information.

Furthermore, IPRA 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 IPRA. 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

Gouvernement
du Canada

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 4/1/2005 to/à 3/31/2006		
Source	Media Médias 71	Academia Secteur universitaire 17	Business Secteur commercial 116	Organization Organisme 37	Public 77

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	318
Outstanding from previous period En suspens depuis la période antérieure	51
TOTAL	369
Completed during reporting period Traitées pendant la période visée par le rapport	296
Carried forward Reportées	73

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

1. All disclosed Communication totale	56	6. Unable to process Traitement impossible	37
2. Disclosed in part Communication partielle	146	7. Abandoned by applicant Abandon de la demande	32
3. Nothing disclosed (excluded) Aucune communication (exclusion)	3	8. Treated informally Traitement non officiel	2
4. Nothing disclosed (exempt) Aucune communication (exemption)	11	TOTAL	296
5. Transferred Transmission	9		

III Exemptions invoked
Exemptions invoquées

S. Art. 13(1)(a)	9	S. Art. 16(1)(a)	20	S. Art. 18(b)	2	S. Art. 21(1)(a)	65
(b)	0	(b)	2	(c)	0	(b)	60
(c)	1	(c)	11	(d)	1	(c)	15
(d)	0	(d)	0	S. Art. 19(1)	117	(d)	2
S. Art. 14	14	S. Art. 16(2)	4	S. Art. 20(1)(a)	7	S. Art. 22	4
S. 15(1) International rel. Relations intern.	0	S. Art. 16(3)	0	(b)	47	S. Art. 23	26
Defence Défense	15	S. Art. 17	0	(c)	53	S. Art. 24	10
Subversive activities Activités subversives	0	S. Art. 18(a)	5	(d)	3	S. Art. 26	3

IV Exclusions cited
Exclusions citées

S. Art. 68(a)	3	S. Art. 69(1)(c)	2
(b)	0	(d)	3
(c)	0	(e)	14
S. Art. 69(1)(a)	13	(f)	0
(b)	0	(g)	33

V Completion time
Délai de traitement

30 days or under 30 jours ou moins	173
31 to 60 days De 31 à 60 jours	33
61 to 120 days De 61 à 120 jours	59
121 days or over 121 jours et plus	31

VI Extensions
Prorogations des délais

	30 days or under 30 jours ou moins	31 days or over 31 jours ou plus
Searching Recherche	0	0
Consultation	8	90
Third party Tiers	2	17
TOTAL	10	107

VII Translations
Traductions

Translations requested Traductions demandées		1
Translations prepared Traductions préparées	English to French De l'anglais au français	0
	French to English Du français à l'anglais	1

VIII Method of access
Méthode de communication

Copies given Copies de l'original	202
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	\$1,460.00	Preparation Préparation	\$270.00
Reproduction	\$0.00	Computer processing Traitement informatique	\$0.00
Searching Recherche	\$1,257.50	TOTAL	\$2,987.50
Fees waived Dispense de frais		No. of times Nombre de fois	\$
\$25.00 or under 25 \$ ou moins		223	\$1,387.00
Over \$25.00 De plus de 25 \$		2	\$73.00

X Costs
Coûts

Financial (all reasons) Financiers (raisons)		(\$000)
Salary Traitement		767,572.0
Administration (O and M) Administration (fonctionnement et maintien)		145,769.0
TOTAL		913,341.0
Person year utilization (all reasons) Années-personnes utilisées (raisons)		
Person year (decimal format) Années-personnes (nombre décimal)		12.96

APPENDIX II: REPORT ON THE *PRIVACY ACT*

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 4/1/2005 to/à 3/31/2006
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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	16
Outstanding from previous period En suspens depuis la période antérieure	1
TOTAL	17
Completed during reporting period Traitées pendant la période visée par le rapport	17
Carried forward Reportées	0

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

1. All disclosed Communication totale	3
2. Disclosed in part Communication partielle	9
3. Nothing disclosed (excluded) Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) Aucune communication (exemption)	0
5. Unable to process Traitement impossible	4
6. Abandoned by applicant Abandon de la demande	1
7. Transferred Transmission	0
TOTAL	17

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)	0
(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	8
S. Art. 27	5
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	9
31 to 60 days De 31 à 60 jours	5
61 to 120 days De 61 à 120 jours	2
121 days or over 121 jours ou plus	1

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	1	0
Consultation	5	0
Translation Traduction	0	0
TOTAL	6	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	12
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	36,721.0
Administration (O and M) Administration (fonctionnement et maintien)	7,672.0
TOTAL	44,393.0
Person year utilization (all reasons) Années-personnes utilisées (raisons)	
Person year (decimal format) Années-personnes (nombre décimal)	0.62