



National
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CANADIAN
ARMED FORCES

Annual Report to Parliament | 2020-2021

Administration of the *Access to Information Act*

Department of National Defence and the Canadian Armed Forces



Canada

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1. INTRODUCTION

The Department of National Defence and the Canadian Armed Forces are pleased to present to Parliament their annual report on the administration of the *Access to Information Act*¹ (*ATI Act*). Section 94 of the *ATI Act* requires the head of every federal government institution to submit an annual report to Parliament on the administration of the Act each financial year. This report describes National Defence activities that support compliance with the Act for the Fiscal Year commencing 1 April 2020 and ending 31 March 2021.

1.1 Purpose of the Access to Information Act

The purpose of the *ATI Act* is to enhance the accountability and transparency of federal institutions in order to promote an open and democratic society and to enable public debate on the conduct of those institutions. In furtherance of that purpose:

- Part 1 of the Act extends the present laws of Canada to provide a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific and that decisions on the disclosure of government information should be reviewed independently of government; and
- Part 2 of the Act sets out requirements for the proactive publication of information.

2. ACCESS TO INFORMATION AND PRIVACY AT NATIONAL DEFENCE

2.1 Mandate of National Defence

Who we are

The Department of National Defence (DND) and the Canadian Armed Forces (CAF) make up the largest federal government department. Under Canada's defence policy, the Defence Team will grow to over 125,000 personnel, including 71,500 Regular Force members, 30,000 Reserve Force members and 25,000 civilian employees.

¹ <https://laws-lois.justice.gc.ca/eng/acts/A-1/>

What we do

DND and the CAF have complementary roles to play in providing advice and support to the Minister of National Defence, and implementing Government decisions regarding the defence of Canadian interests at home and abroad.

At any given time, the Government of Canada can call upon the CAF to undertake missions for the protection of Canada and Canadians and to maintain international peace and stability.

Canada's defence policy presents a strategic vision for defence: **Strong, Secure, Engaged**.² This is a vision in which Canada is:

Strong at home, with a military ready and able to defend its sovereignty, and to assist in times of natural disaster, support search and rescue, or respond to other emergencies.

Secure in North America, active in a renewed defence partnership in the North American Aerospace Defense Command (NORAD) and with the United States to monitor and defend continental airspace and ocean areas.

Engaged in the world, with the Canadian Armed Forces doing its part in Canada's contributions to a more stable, peaceful world, including through peace support operations and peacekeeping.

The National Defence Act (NDA) establishes DND and the CAF as separate entities, operating within an integrated National Defence Headquarters as they pursue their primary responsibility of providing defence for Canada and Canadians.

2.2 National Defence organization

Senior leadership

The Governor General of Canada is the Commander-in-Chief of Canada. DND is headed by the Minister of National Defence. The Associate Minister of National Defence supports the Minister of National Defence. The Deputy Minister of National Defence is the Department's senior civil servant. The CAF are headed by the Chief of the Defence Staff, Canada's senior serving officer. These senior leaders each have different responsibilities:

- The Governor General is responsible for appointing the Chief of the Defence Staff on the recommendation of the Prime Minister, awarding military honours, presenting colours to CAF regiments, approving new military badges and insignia, and signing commission scrolls;
- The Minister of National Defence presides over the Department and over all matters relating to national defence;

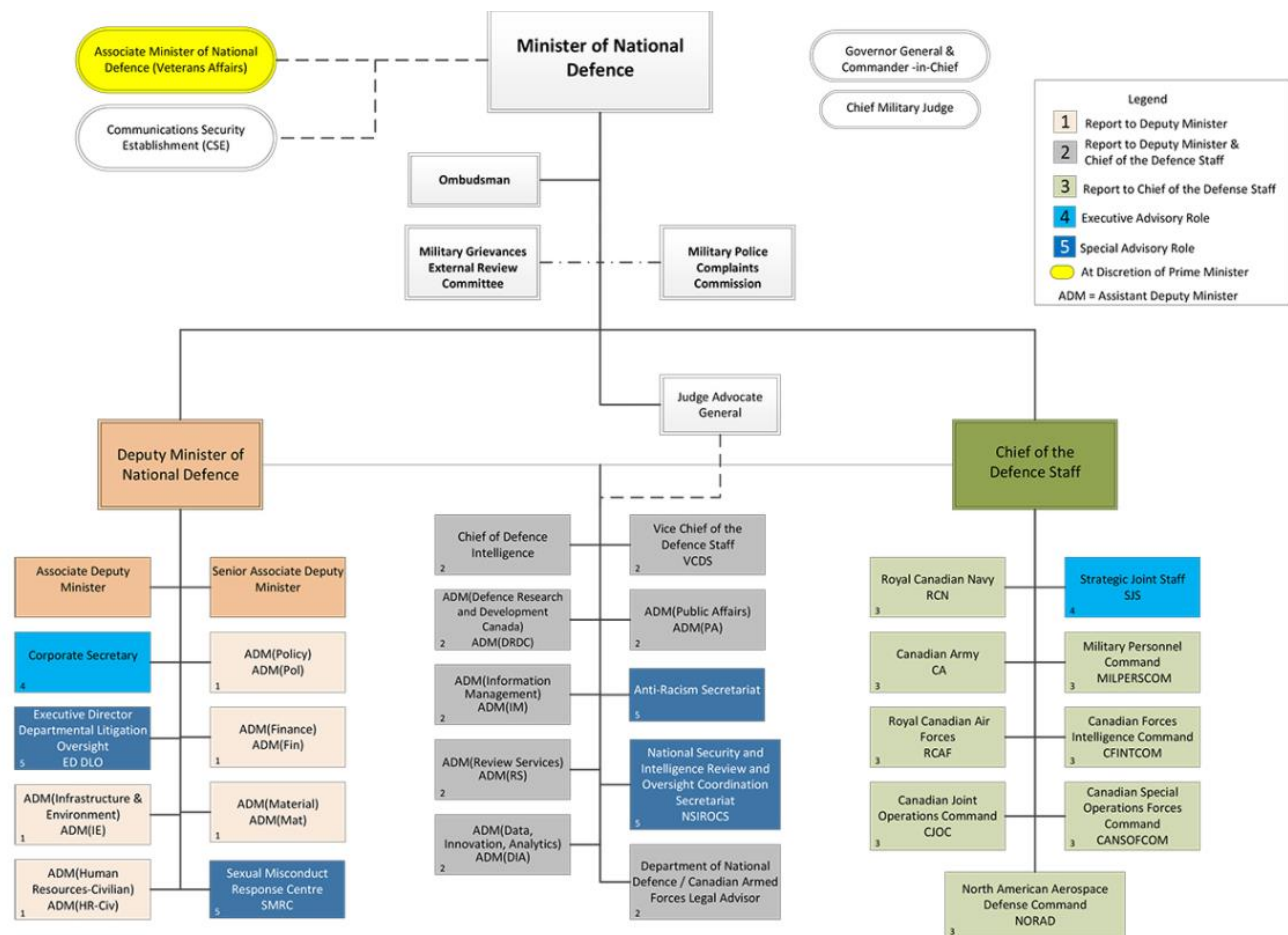
² https://www.canada.ca/en/department-national-defence/corporate/policies-standards/canada-defence-policy.html?utm_source=dgpaapp&utm_medium=referral&utm_campaign=redirect

- The Associate Minister is also responsible for defence files, as mandated by the Prime Minister, with the specific priority of ensuring that CAF members have the equipment they need to do their jobs;
- The Deputy Minister is responsible for policy, resources, interdepartmental coordination and international defence relations; and
- The Chief of the Defence Staff is responsible for command, control and administration of the CAF, as well as military strategy, plans and requirements.

Defence organization

The National Defence organizational structure is represented in the diagram below. Additional information about the National Defence organization is available [online](https://www.canada.ca/en/department-national-defence/corporate/organizational-structure.html).³

FIGURE 1: NATIONAL DEFENCE ORGANIZATION CHART



³ <https://www.canada.ca/en/department-national-defence/corporate/organizational-structure.html>

2.3 The Directorate of Access to Information and Privacy

Delegation of authority

In accordance with section 95(1) of the *Access to Information Act*, a delegation of authority, signed by the Minister, designates the Deputy Minister, Corporate Secretary, Access to Information and Privacy (ATIP) Director, and ATIP Deputy Directors to exercise all powers and functions of the Minister, as the head of institution under the Act. It also designates other specific powers and functions to employees within the Directorate Access to Information and Privacy (DAIP).

Under the authority of the Corporate Secretary, the ATIP Director administers and coordinates the *Access to Information Act* and the *Privacy Act*, and acts as the departmental ATIP Coordinator. In the administration of the Act, the ATIP Directorate seeks advice on legal, public affairs, policy, and operational security matters from other organizations and specialists as required.

A copy of the *Access to Information Act* and *Privacy Act* Designation Order is provided at Annex A.

The ATIP Directorate

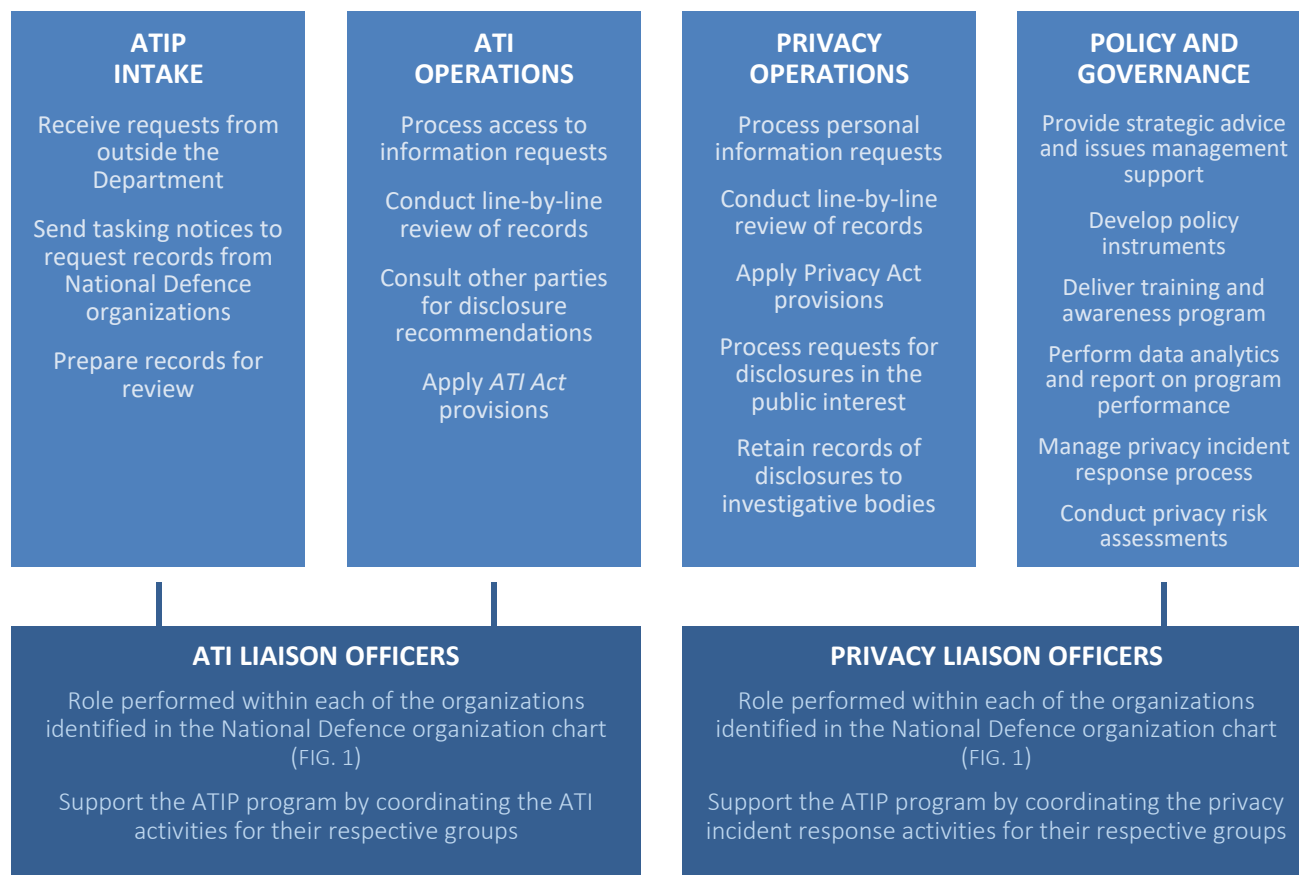
The ATIP Directorate is responsible for matters regarding access to information and privacy protection within the National Defence portfolio, except in the case of the following organizations: the Military Police Complaints Commission, the Military Grievances External Review Committee, the Communications Security Establishment, the Office of the National Defence and Canadian Forces Ombudsman, the Office of the Chief Military Judge and the Director of Defence Counsel Services, and the Canadian Forces Morale and Welfare Services.

The Director Access to Information and Privacy is managed by an Executive Director and supported by a Chief of Operations position that oversees ATI Operations from intake to disclosure.

The Chief of Operations centralizes all activities with access to information. It ensures consistency across teams, performs quality assurance activities for data and compliance to processes, tracks performance as well as monitoring for the identification of trends and horizontal issues. The ATIP Intake team, Systems Liaison Team and ATI Operations teams report to the Chief of Operations. The Chief of Operations, Privacy Operations, Policy and Governance Team and the Chief of Staff report to the Executive Director.

The Directorate's ATIP program management workforce is divided functionally into four main areas, and supported by Defence organization liaison officers, as illustrated in the diagram at FIGURE 2.

FIGURE 2: NATIONAL DEFENCE ATIP OPERATIONAL WORKFORCE



The ATIP Directorate is supported by a Systems Liaison Team that maintains the ATIP application system/database and provide technical support to members of the team. A corporate services team assures the administrative and management functions of the directorate that include business planning, financial management, human resources, physical security, and information and records management (IM/RM).

In response to a key National Defence priority, The ATIP Directorate provides a supporting role to the Departmental Litigation Oversight- Litigation Implementation Team. This unit performs an ATIP-like review of records in support of class action settlements such as the LBGT Class Action and Sexual Misconduct Class Action settlements.

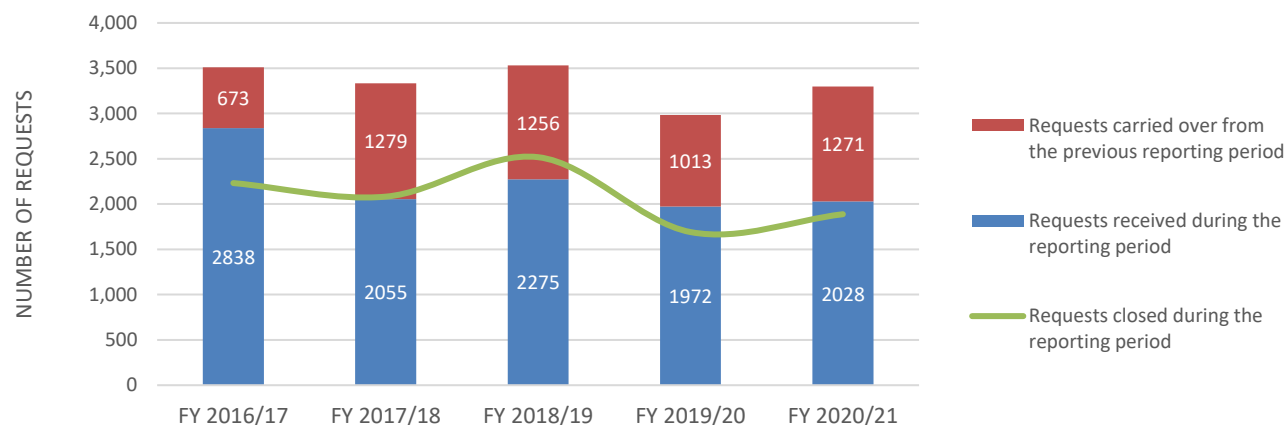
3. HIGHLIGHTS OF THE STATISTICAL REPORT

The statistical report at ANNEX B consists of data submitted by National Defence as part of the Treasury Board Secretariat (TBS) annual collection of ATIP-related statistics. The following sections contain highlights, trends and an analysis of notable statistical data from a departmental perspective.

3.1 Requests received

In Fiscal Year 2020-21, DND/CAF received 2,028 new ATI requests, a 2.8% increase in requests from the previous reporting period. Combined with a carry-over of 1,271 files from Fiscal Year 2019-20, this represents a total ATI workload of 3,299 requests during this reporting period. The number of request files carried over increased from 1,013 requests in Fiscal Year 2019-20 to 1,271 in the current reporting period.

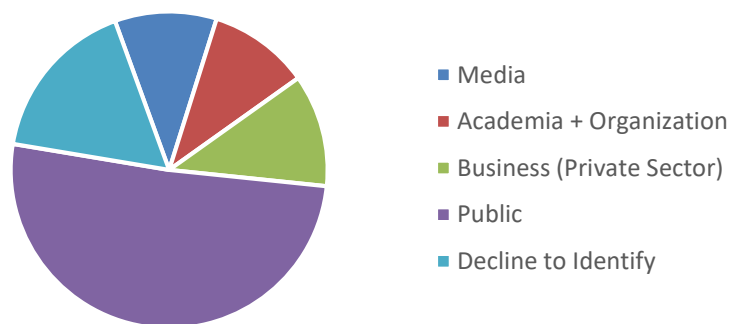
FIGURE 3: ATI REQUEST WORKLOAD (LAST FIVE YEARS)



Sources of requests

The general public remains the largest source of requests, accounting for over half of all requests received. The remaining sources of requests were more evenly distributed across the remaining categories than noted in previous reporting periods.

FIGURE 4: SOURCES OF REQUESTS RECEIVED (FISCAL YEAR (FY) 2020-21)



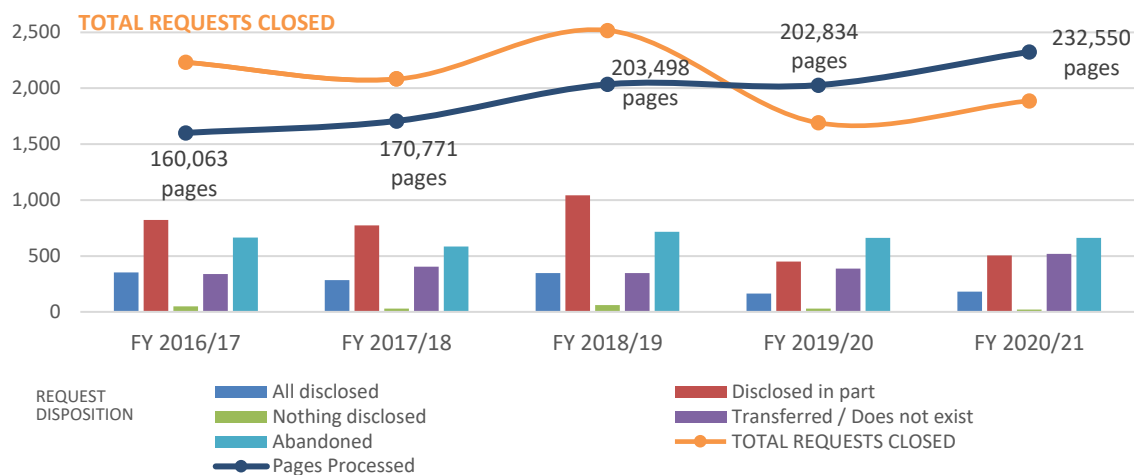
3.2 Requests completed

A total of 1,888 requests were completed during the reporting period, 197 more requests than in Fiscal Year 2019-20 representing an 11.6% increase. The total pages processed also increased by 29,716 which represents an increase of 14.6% as depicted in FIGURE 5.

One request was completed during Fiscal Year 2020-21 in which National Defence neither confirmed nor denied the existence of the records, in accordance with subsection 10(2) of the ATI Act. National Defence only

invokes this provision in those limited circumstances where the mere confirmation of a record's existence (or non-existence) would reveal information that could be protected under the ATIA. Typically, these situations relate to the defence of Canada or the possible disclosure of personal information.

FIGURE 5: DISPOSITION OF REQUESTS COMPLETED AND TOTAL REQUESTS COMPLETED (LAST FIVE YEARS)

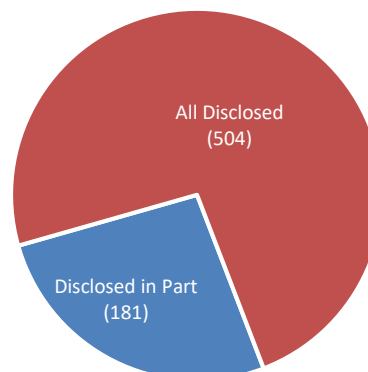


A number of requests (492) were abandoned within the first 15 days primarily as a result of the TBS ATIP Online Request initiative where a large number of requests for personal information were submitted under the *ATI Act*. These files were initially opened as ATIA requests but were determined to be more appropriately administered under the *Privacy Act*.

Disposition: Percentage of requests all disclosed vs. disclosed in part

FIGURE 6: ALL DISCLOSED VS. DISCLOSED IN PART (FISCAL YEAR 2020-21)

During the reporting period, National Defence responded to a total of 1,888 requests. A total of 9.6% of all requests were “all disclosed” (181) and 26.7% (504) were “disclosed in part”.

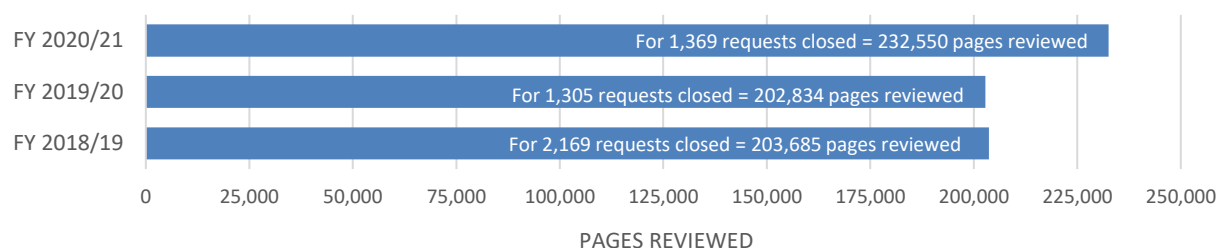


Pages reviewed

The volume of pages reviewed continues to increase with 232,550 processed during the reporting period – representing a 14.7% increase in pages processed by the ATIP Directorate as compared to Fiscal Year 2019-20.

As represented in FIGURE 7, the number of pages reviewed represents the total processed pages for completed requests this Fiscal Year. This number does not include the number of pages processed for requests that were not completed this Fiscal Year and carried over into the next reporting period.

FIGURE 7: NUMBER OF PAGES REVIEWED FOR REQUESTS COMPLETED WHERE RECORDS EXISTED (LAST THREE YEARS)



Exemptions and exclusions

Consistent with previous reporting periods, in Fiscal Year 2020-21, Defence applied the majority of exemptions under the following four sections of the *ATI Act*:

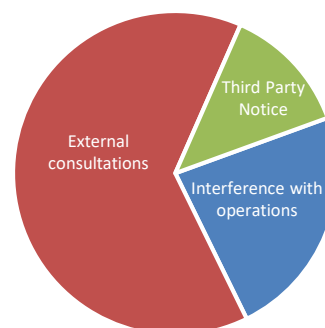
- Subsection 19(1), which protects personal information of individuals, was applied in 343 requests;
- Subsection 15(1), which protects limited and specific information concerning international affairs and defence, was applied in 183 requests
- Subsection 21(1), which protects limited and specific information concerning advice and recommendations, was applied in 304 requests; and
- Subsection 20(1), which protects proprietary third-party information, was applied in 184 requests.

Extensions

The *ATI Act* provides for extending the statutory time limits to respond to a request beyond 30 days if:

- It involves a large number of records or requires a search through a large number of records, and meeting the original time limit would unreasonably interfere with the operations of the institution
- External consultations are necessary and cannot reasonably be completed within the original time limit
- Notice to a third party is required to advise them their information is the subject of a request

FIGURE 8: REASONS FOR EXTENSION (FY 2020-21)



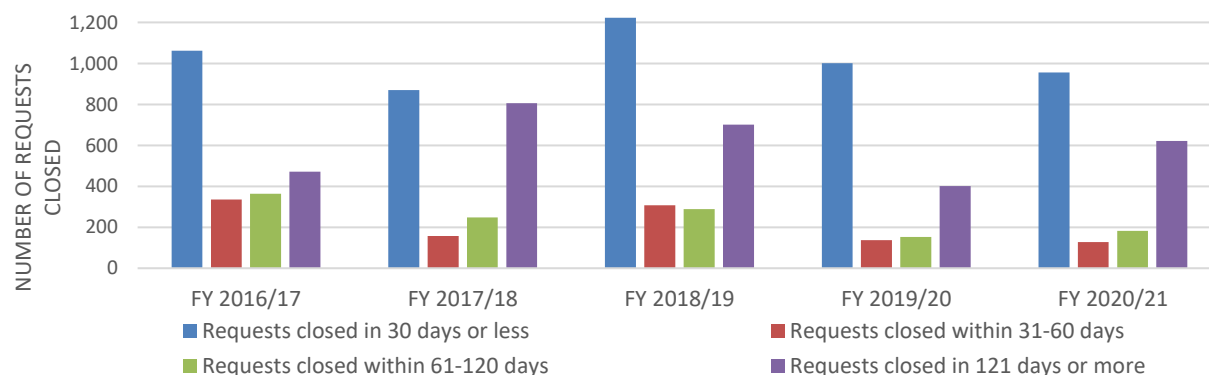
In Fiscal Year 2020-21, 76.6% of all extensions taken for closed requests were required to conduct consultations with other bodies such as federal government institutions, provincial or municipal governments, or international organizations or governments. The majority of these extensions (75%) were for 60 days or less.

The number of extensions taken should not be interpreted as the number of files for which extensions are claimed. A single file could, and quite often does, qualify for multiple extensions. For example, a file could be extended because it has a large volume of records, and also be extended because consultations (one or multiple) are required. This appears in the statistical report as multiple extensions but only for a single file.

Completion time

The Department noted an 8.6% decrease in files closed within 30 days over the last reporting period. This reporting period 50.6% of files were closed within 30 days as compared to 59.2% closed within 30 days during the previous reporting period.

FIGURE 9: REQUEST COMPLETION TIME (LAST FIVE YEARS)

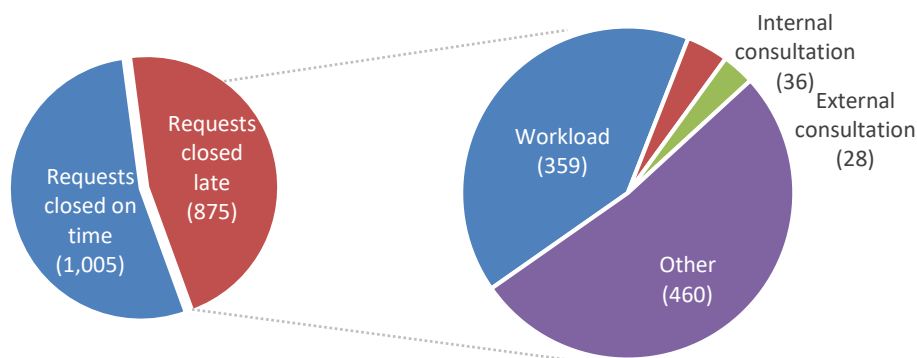


On-time compliance

On-time compliance decreased in Fiscal Year 2020-21 with National Defence responding to 53% of requests within legislated timelines which represents a 13% decrease over the last reporting period where 66% of requests were closed within legislated timelines.

The most common reason for deemed refusal was “Other”, cited for over 52% of requests closed late during the reporting period. TBS defines “Other” as *the unavailability of key officials, difficulties in obtaining relevant records, labour disputes or lengthy power outages*. As demonstrated in FIGURE 10, the reasons contributing to late file closures in Fiscal Year 2020-21.

FIGURE 10: REASONS FOR DEEMED REFUSAL (FY 2020-21)



Overall, Defence performance decreased during this reporting period; however, some factors affecting performance and deemed refusal rates include:

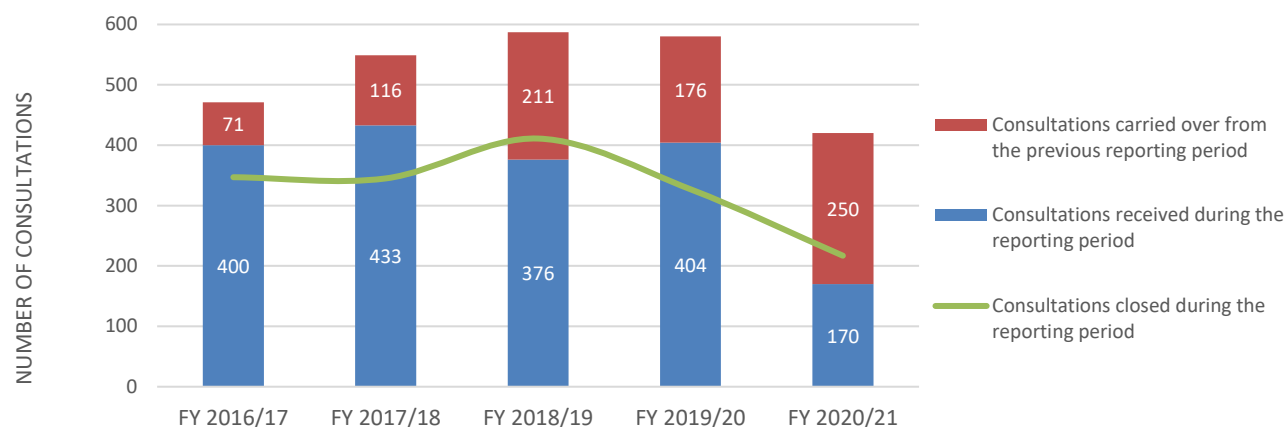
- Impacts to productivity and efficiency resulting from staffing challenges. There continues to be ATIP staff turnover at all levels due to a competitive job market. New employees require a learning and adjustment period to realize performance potential. The hiring and training of new employees also created additional workload for ATIP management and support services. Over the past year efforts have continued to staff vacant positions and train new staff.

3.3 Consultations received and completed

During the reporting period, Defence received a total of 170 requests for consultation – 161 from other Government of Canada institutions and 9 from other organizations. The total workload for consultation requests decreased by 58% over Fiscal Year 2019-20.

While the number of new request for consultations received by DND decreased this fiscal year, the number of consultations DND carried over from the previous year increased. National Defence had 200 consultations pending at the end of this reporting period.

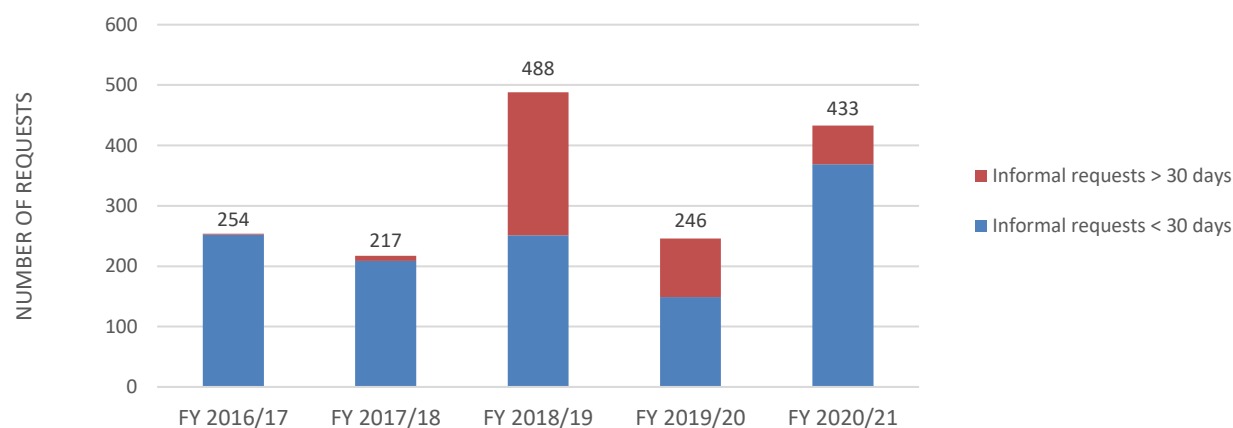
FIGURE 11: ATI CONSULTATION WORKLOAD (LAST FIVE YEARS)



3.4 Informal Requests

To support increased transparency and the principles of Open Government, National Defence encourages informal access to records wherever possible. As a result of the online posting of summaries of completed ATIA requests, National Defence continues to see an increase of informal requests for previously released information. In Fiscal Year 2020-21, National Defence responded to 433 informal requests and 322 of these were completed in 30 days or less.

FIGURE 12: INFORMAL REQUESTS (LAST FIVE YEARS)



Informal requests reported in this section include:

- Formal requests that were discontinued in favour of providing information informally, in consultation with the requester as part of the Duty to Assist;
- Advising requesters when information is already publicly available online; and

- The re-release of information made available through previously closed formal requests. A listing of ATI requests completed by National Defence is available on the [Open Government portal](#).

4. COVID-19 IMPACTS TO ACCESS TO INFORMATION OPERATIONS

On March 13, 2020 DND/CAF initiated its Business Continuity Plan (BCP) in response to the evolving COVID-19 Pandemic which continued into the Fiscal Year 20/21 reporting period. DND/CAF has played a significant role in the Government of Canada's response to COVID-19. Operation [LASER](#)^[4] is the Canadian Armed Forces' contribution to save lives, assist federal, provincial and territorial partners, and maintain CAF readiness, effectiveness and resilience. Ensuring the health and well-being of employees and CAF members and supporting Operation LASER remains a key departmental priority. The Defence Team including the ATIP Directorate pivoted to alternate work arrangements and a remote work posture immediately in response to the Pandemic. Initially, remote work challenges such as limited access to Virtual Private Networks (VPN) and remote access to the ATIP redaction software as well as Office of Primary Interest (OPI) access to paper records impacted productivity and processing of ATI and Privacy requests. Remote connectivity quickly stabilized and continued to improve as the Defence Team optimized the remote work posture. Key functions within the ATIP Directorate that could only be performed physically on site such as receipt of mail, opening of new requests, scanning of paper records, urgent requests and processing of secret materials were carried out while respecting public health measures. As per TBS guidance and best practices, the ATIP Directorate contacted requesters directly to notify of potential delays in processing requests as a result of the pandemic. National Defence took proactive steps at the beginning of the pandemic and leveraged technology to enable remote work by adopting and implementing the use of e-signatures, electronic record sharing, and the use of the Canada Post epost service to limit the reliance on paper records and traditional mail. The ATIP directorate continued to expand remote access to redaction which allowed National Defence to process records classified Protected B and below. ATIP employees were supported and equipped with the tools, equipment, systems and training to conduct their work remotely.

In May 2020, the Deputy Minister and Chief of Defence Staff issued a joint directive to the Defence Team which identified key departmental priorities including the continued performance of activities mandated by legislation and regulation. The ATIP Program and adherence to legislation was included within this priority and in early June the ATIP Directorate invoked its Business Resumption Plan and resumed on-site operations with a reduced capacity while adhering to stringent public health measures to safe guard health of employees. The ATIP Directorate's employee orientation plan and approach to resumption of on-site work was adopted across the Defence Team as a best practice and was shared with other government departments ATIP Offices.

Consistent with other ATIP offices located in the National Capital Region, National Defence was impacted by the Ontario provincial lockdowns. The limitations on the number of staff allowed physically on-site while

⁴ <https://www.canada.ca/en/department-national-defence/services/operations/military-operations/current-operations/laser.html>

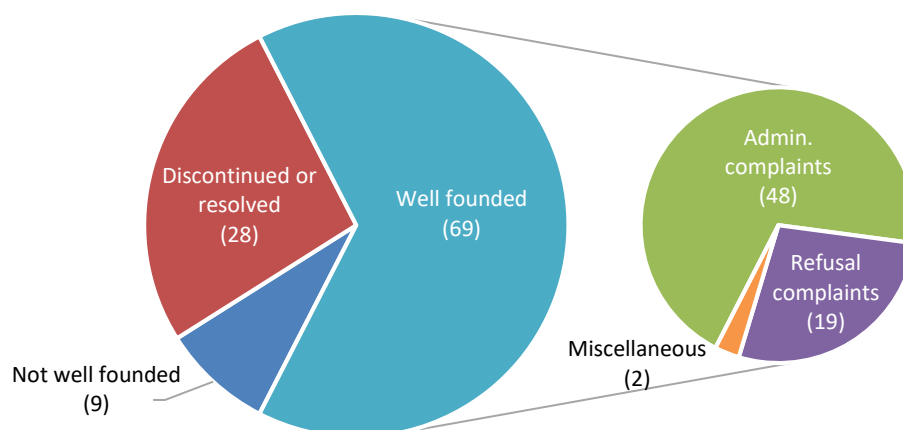
respecting public health guidance impacted the ability to process paper records and secret material; this has resulted in a backlog of ATI and Privacy requests and impacted overall performance for Privacy requests. In spite of the constraints associated with the pandemic, National Defence reviewed more pages and closed more ATI files compared to the previous year. The innovations and improvements adopted during the pandemic have improved the overall ATIP Program and will continue to be built upon in the coming years as we continue to modernize ATIP program delivery.

5. COMPLAINTS, AUDITS AND REVIEWS

5.1 Complaints from the Office of the Information Commissioner

In Fiscal Year 2020-21, National Defence received a total of 61 complaints from the Office of the Information Commissioner (OIC) as compared to 216 received in the previous reporting period; a decrease of 71.8%. The number of well-founded complaints increased from 30 well-founded in Fiscal Year 2019-20 to 69 well founded complaints this reporting period.

FIGURE 13: OIC FINDINGS AND NATURE OF WELL-FOUNDED COMPLAINTS (FY 2020-21)



Statistical reporting requirements for complaints and investigations with the OIC are noted below:

- Section 32: When the OIC gives formal notice of their intention to investigate a complaint regarding the processing of a request under the Act. Defence received 61 such notices during Fiscal Year 2020-21.
- Section 35: When the OIC requests further representations from institutions pursuant to an ongoing complaint investigation. Defence provided 18 such formal written representations to the OIC during the reporting period.

- Section 37: When the OIC issues a findings report for a well-founded complaint upon conclusion of an investigation. During the reporting period, 69 complaints were found to have merit which is a significant increase from 30 complaints in the previous reporting period. The 69 well-founded complaints represent 65.1% of the total findings (106) issued in Fiscal Year 2020-21. In comparison, there were 30 well-founded complaints which represented 21% of the total findings (145) that were issued in Fiscal Year 2019-20.
 - Note that these complaints are not necessarily from the 61 complaints received during the reporting period. Of the 69 well-founded determinations:
 - 48 were administrative in nature (about delays and time extensions),
 - 19 were refusal complaints (regarding application of exemptions or possible missing records) and
 - 2 were miscellaneous in nature (One Systemic Investigation and one miscellaneous).

Systemic Investigation

In December 2018, the Information Commissioner initiated a systemic investigation into the DND/CAF processing of access requests during the period from January 1, 2017, to December 21, 2018.

In January 2020, the OIC issued its Final Report of Findings to National Defence which included nine (9) areas of concerns and provided recommendations to address each of the nine areas. The Department agreed with the recommendations and developed a comprehensive Management Action Plan (MAP) to address the findings. In her report, the Information Commissioner noted the collaboration of the Department.

The Department of National Defence's MAP response has been adopted by other institutions as a best practice in their response to the OIC's investigations.

To date the Department has implemented more than 75% of the MAP.

Complaints Team

The ATIP Directorate continued to operate a dedicated team to manage complaints from the OIC. Dedicated personnel in the ATIP Directorate continued to serve as the primary point of contact for the OIC and assist in complaint-related reporting to both the OIC and DAIP Management. Regular monthly meetings were undertaken between the OIC and the ATIP Directorate to discuss file progression. These monthly meetings resulted in resolution of complaints and better collaboration with OIC and the ATIP Directorate.

5.2 Court decisions

In Fiscal Year 2020-21, there were no court proceedings actioned in respect of requests processed by National Defence.

6. POLICIES AND PROCEDURES

6.1 Internal procedures

The ATIP Directorate continues to review and update the ATI Procedure Guide to document improvements to request processing and ensure alignment with Treasury Board policies and directives.

A procedure for *Reporting Allegations of Obstruction under the ATIA* was implemented this reporting period. It outlines the responsibilities for DAIP employees and provides direction on procedures for responding to allegations of obstruction under S. 67.1 of the ATI Act.

7. TRAINING AND AWARENESS

7.1 ATIP training program

Departmental ATIP training was initially impacted by the COVID pandemic. Formal ATIP training resumed in July 2020 on a virtual platform. National Defence uses a three-pronged approach for training, where Directorate training resources delivered the following training sessions to DND civilian and CAF military members with specific emphasis on those staff with ATIP responsibilities:

- Introductory courses (ATIP 101 - General ATIP or Privacy Fundamentals);
- Advanced courses (ATIP 201 - Advanced ATIP or organization-specific content); and,
- ATIP awareness and engagement activities with the various branches and divisions.

7.2 Training and awareness activities

A total of 59 training sessions were delivered to approximately 1,659 which represents a 6% increase in individuals trained over the previous Fiscal Year. This training was provided to Defence employees and CAF members on the administration of both the *Access to Information Act* and *Privacy Act*, as well as on appropriate management of personal information under the control of the institution. These virtual training sessions included ATIP 101, ATIP 201, and targeted training sessions for specific Defence organizations. Most training sessions were delivered by ATIP Directorate staff through video teleconference technologies, and some organizations conducted their own courses and sessions. An example of an organization conducting

their own training sessions is the Canadian Forces Health Services group, which covered a variety of Privacy topics.

In keeping with promoting awareness, ATIP Directorate employees also provided guidance to third parties and requesters on the requirements of the *Access to Information Act* and the *Privacy Act*, Treasury Board (TB) policies and directives, and associated institutional procedures as required.

7.3 Tasking Liaison officer engagement

The ATIP Directorate conducted a virtual Town Hall in Fiscal Year 2020-21 with ATIP Directorate staff, OPI Tasking Liaison Officers and other departmental officials to promote ATIP awareness, best practices and new virtual Standard Operating Procedures (SOP).

7.4 Employee well-being

In response to challenges caused by the COVID Pandemic and the impacts of remote work, the ATIP Directorate placed increased emphasis on directorate staff mental health, well-being and resilience. In addition to the ongoing ATIP operational training, virtual workplace well-being sessions were provided to all staff focusing on stress management, resilience, nutrition, and physical exercise to maintain mental health during the Pandemic. To support telework and ensure that supervisors were equipped to lead in a virtual work environment, training sessions on establishing effective virtual teams and managing remote teams were provided to all supervisors and managers in the Directorate. These courses provided tools to build virtual relationships, establish communication standards, leverage appropriate communication tools, support remote team members, and lead virtual team meetings.

8. INITIATIVES AND PROJECTS

8.1 Backlog Reduction Team

The ATIP Directorate established a dedicated Backlog Reduction Team in October 2019 to address the inventory of late files. This Fiscal Year 121 backlog files were closed totalling 93,192 pages reviewed. This initiative enables other ATI Operations Teams to focus on on-time compliance.

8.2 Technological Improvements

Remote access to Redaction Software

National Defence continues to explore and implement technological solutions to enhance ATIP business processes. The ATIP Directorate implemented remote access to the ATIP processing and redaction software to employees this Fiscal Year. This allowed for employees to continue to process ATI request remotely during the

COVID Pandemic. New procedures, training and tools were developed and implemented to support the successful shift to remote processing.

The ATIP Directorate also widely adopted the use of Microsoft Teams and SMART Bridgit software to stay connected for meetings as well as onboarding and training new employees.

Shift to Paperless processing

A shift towards paperless processing of ATIP requests continued this Fiscal Year. The adoption of electronic processes to reduce paper records such as use of network shared drives to share records electronically between DND/CAF record holders and the ATIP Directorate increased during the COVID Pandemic. The majority of OPIs switched over to electronic processes and are no longer providing paper records to the ATIP Directorate. Electronic signatures on letters to applicants and using Canada Post epost service to share records with applicants versus traditional mail has led to faster access to records for Canadians. This shift to paperless processing enabled the continued processing of ATI requests throughout the various Provincial lock downs.

New Case Management Solution

The ATIP Directorate completed implementation of a new case management system this Fiscal Year to manage Privacy Incident Management, Privacy Impact Assessments, Personal Information Disclosures, and managing and tracking legal matters. This new case management system, ATIP OMNI, improves tracking and trend analysis for governance and compliance activities. It also includes features to maintain Personal Information Banks and Info Source management in a more automated manner.

9. MONITORING COMPLIANCE

The ATIP Directorate regularly monitors and reports on a number of ATIP metrics. In Fiscal Year 2020-21, the Departmental ATIP Performance Dashboard that tracks OPI record retrieval timeliness and overall ATIP compliance continued to be refined to provide better overall awareness to senior leadership on ATIP performance and metrics. This monitoring allows the ATIP Directorate track ATIP performance across the Department and identify areas for process improvements. This year National Defence piloted a new analytics tool which will enable senior leaders and OPI's to easily monitor overall ATIP compliance and track individual request stats. The ATIP Directorate continues to receive ad hoc requests for statistics and performance reports to inform program delivery and identify trends

10. ACCESS TO INFORMATION FEES AND OPERATING COSTS

10.1 Reporting on ATI fees for the purposes of the Services Fees Act

The *Service Fees Act* (SFA) 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 SFA section 20.

<i>Enabling authority:</i>	<i>Access to Information Act</i>
<i>Fee amount for 2020-21:</i>	\$5 application fee for each ATIA request
<i>Total revenue:</i>	\$8,890
<i>Fees waived:</i>	In accordance with the Interim Directive on the Administration of the Access to Information Act, issued on May 5, 2016, and the changes to the Access to Information Act that came into force on June 21, 2019, National Defence waives all fees prescribed by the Act and Regulations, other than the \$5 application fee set out in paragraph 7(1)(a) of the Regulations. A total of \$1,250 in fees have been waived during this reporting period.

Cost of operating the program: \$5,531,493

The cost of operations includes salaries, overtime, goods and services, contracts and all other expenses specific to the access to information office. Costs associated with time spent by program areas searching for and reviewing records are not included here.

ANNEX A: DESIGNATION ORDER

National Defence and the Canadian Armed Forces

Access to Information Act and Privacy Act Designation Order

1. Pursuant to section 73 of the *Access to Information Act* and the *Privacy Act*, the Minister of National Defence, as the head of a government institution under these Acts, hereby designates the persons holding the following positions, or the persons occupying those positions on an acting basis, to exercise or perform all of the powers, duties and functions of the head of a government institution under these Acts:

- (a) the Deputy Minister;
- (b) the Corporate Secretary;
- (c) the Director Access to Information and Privacy; and
- (d) Deputy Directors Access to Information and Privacy.

2. Pursuant to section 73 of the above-mentioned Acts, the Minister also designates the following:

- (a) those persons holding the position of Access Team Leader, or the persons occupying this position on an acting basis, to exercise or perform the powers, duties and functions in respect of:
 - The application of the following provisions under the *Access to Information Act*: section 9; subsections 11(2), 11(3), 11(4), 11(5), 11(6); sections 19, 20, 23 and 24; subsections 27(1) and 27(4); paragraph 28(1)(b), subsections 28(2) and 28(4); and
 - The response to requests made under the *Access to Information Act* if no records exist.
- (b) those persons holding the position of Privacy Team Leader, or the persons occupying this position on an acting basis, to exercise or perform any of the powers, duties and functions of the head of an institution under the *Privacy Act*, other than under sub-paragraphs 8(2)(j) and 8(2)(m); and
- (c) those persons holding the position of Privacy Senior Analyst, or the persons occupying this position on an acting basis, to exercise or perform the powers and duties in respect of the application of section 26 of the *Privacy Act*.

Défense nationale et les Forces armées canadiennes

Arrêté sur la délégation en vertu de la Loi sur l'accès à l'information et la Loi sur la protection des renseignements personnels

1. En vertu de l'article 73 de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels*, le ministre de la Défense nationale, à titre de responsable d'une institution fédérale aux termes desdites lois, délègue par les présentes l'autorité d'exercer les attributions d'un responsable d'une institution fédérale que lui confèrent les lois en question aux titulaires des postes indiqués ci-après, ou aux personnes occupant ces postes à titre intérimaire :

- (a) le sous-ministre;
- (b) le Secrétaire général;
- (c) le Directeur – Accès à l'information et protection des renseignements personnels;
- (d) les Directeurs adjoints – Accès à l'information et protection des renseignements personnels.

2. En vertu de l'article 73 des lois susmentionnées, le ministre délègue aussi :

- (a) aux titulaires d'un poste de chef d'équipe de l'accès à l'information, ou aux personnes occupant un tel poste à titre intérimaire, l'autorité d'exercer les attributions relatives à ce qui suit :
 - L'application de certaines dispositions de la *Loi sur l'accès à l'information*, à savoir l'article 9; les paragraphes 11(2), 11(3), 11(4), 11(5) et 11(6); les articles 19, 20, 23 et 24; les paragraphes 27(1) et 27(4); l'alinéa 28(1)b), et les paragraphes 28(2) et 28(4);
 - La réponse fournie aux demandes présentées en vertu de la *Loi sur l'accès à l'information*, lorsqu'il n'existe aucun dossier.
- (b) aux titulaires d'un poste de chef d'équipe des renseignements personnels, ou aux personnes occupant un tel poste à titre intérimaire, l'autorité d'exercer les attributions du responsable d'une institution fédérale aux termes de la *Loi sur la protection des renseignements personnels*, sauf celles prévues aux alinéas 8(2)j) et m);
- (c) aux titulaires d'un poste d'analyste principal, ou aux personnes occupant ces postes à titre intérimaire, l'autorité d'exercer les attributions relatives à l'application de l'article 26 de la *Loi sur la protection des renseignements personnels*.

Le ministre de la Défense nationale



The Hon. Harjit S. Sajjan, PC, OMM, MSM, CD, MP

Minister of National Defence

Date: **JAN 12 2016**

ANNEX B: STATISTICAL REPORT ON THE ACCESS TO INFORMATION ACT FOR 2020-2021



Government
of Canada

Gouvernement
du Canada

Statistical Report on the *Access to Information Act*

Name of institution: National Defence

Reporting period: 2020-04-01 to 2021-03-31

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

1.1 Number of requests

	Number of Requests
Received during reporting period	2028
Outstanding from previous reporting period	1271
Total	3299
Closed during reporting period	1888
Carried over to next reporting period	1411

1.2 Sources of requests

Source	Number of Requests
Media	211
Academia	100
Business (private sector)	233
Organization	109
Public	1034
Decline to Identify	341
Total	2028

1.3 Informal requests

Completion Time							Total
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
322	47	44	0	3	8	9	433

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



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							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	1	27	25	49	36	27	16	181
Disclosed in part	4	18	36	72	56	99	219	504
All exempted	1	1	1	3	2	6	3	17
All excluded	0	0	2	1	0	0	2	5
No records exist	307	50	39	48	31	19	12	506
Request transferred	13	0	0	0	0	0	0	13
Request abandoned	492	42	25	10	9	12	71	661
Neither confirmed nor denied	0	0	0	0	1	0	0	1
Decline to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0
Total	818	138	128	183	135	163	323	1888

3.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	65	16(2)	34	18(a)	10	20.1	0
13(1)(b)	18	16(2)(a)	0	18(b)	6	20.2	0
13(1)(c)	4	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	2	16(2)(c)	23	18(d)	1	21(1)(a)	130
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	138
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	25
14(a)	2	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	11
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	2
15(1)	86	16.1(1)(d)	0	19(1)	343	22.1(1)	0
15(1) - I.A.*	51	16.2(1)	0	20(1)(a)	8	23	81
15(1) - Def.*	128	16.3	0	20(1)(b)	89	23.1	0
15(1) - S.A.*	4	16.31	0	20(1)(b.1)	0	24(1)	24
16(1)(a)(i)	16	16.4(1)(a)	0	20(1)(c)	87	26	0
16(1)(a)(ii)	3	16.4(1)(b)	0	20(1)(d)	4		
16(1)(a)(iii)	1	16.5	2				
16(1)(b)	11	16.6	0				
16(1)(c)	18	17	7				
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)	7	69(1)	5	69(1)(g) re (a)	24
68(b)	0	69(1)(a)	6	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	19
68.1	0	69(1)(c)	0	69(1)(g) re (d)	3
68.2(a)	0	69(1)(d)	4	69(1)(g) re (e)	7
68.2(b)	0	69(1)(e)	8	69(1)(g) re (f)	0
		69(1)(f)	0	69.1(1)	0

3.4 Format of information released

Paper	Electronic	Other
137	548	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
232550	146752	1369

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	162	2720	17	3848	1	935	0	0	1	11446
Disclosed in part	304	7197	138	24417	31	15798	28	34857	3	45250
All exempted	15	0	1	0	1	0	0	0	0	0
All excluded	4	0	0	0	0	0	1	0	0	0
Request abandoned	645	0	4	284	5	0	5	0	2	0
Neither confirmed nor denied	1	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	1131	9917	160	28549	38	16733	34	34857	6	56696

3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	43	0	2	1	46
Disclosed in part	197	0	48	1	246
All exempted	6	0	2	0	8
All excluded	1	0	5	0	6
Request abandoned	40	0	14	0	54
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	287	0	71	2	360

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	1005
Percentage of requests closed within legislated timelines (%)	53.2

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
883	359	28	36	460

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	55	9	64
16 to 30 days	48	12	60
31 to 60 days	94	8	102
61 to 120 days	120	16	136
121 to 180 days	75	11	86
181 to 365 days	118	33	151
More than 365 days	205	79	284
Total	715	168	883

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	8	3	22	3
Disclosed in part	37	6	111	27
All exempted	2	0	3	0
All excluded	0	1	2	0
No records exist	3	0	2	2
Request abandoned	8	0	9	0
Decline to act with the approval of the Information Commissioner	0	0	0	0
Total	58	10	149	32

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	25	7	62	3
31 to 60 days	14	2	48	26
61 to 120 days	11	0	27	2
121 to 180 days	2	1	7	0
181 to 365 days	6	0	4	1
365 days or more	0	0	1	0
Total	58	10	149	32

Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	1778	\$8,890	250	\$1,250
Other fees	0	\$0	0	\$0
Total	1778	\$8,890	250	\$1,250

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	161	11100	9	349
Outstanding from the previous reporting period	239	30495	11	3707
Total	400	41595	20	4056
Closed during the reporting period	200	22708	17	1410
Carried over to next reporting period	200	18887	3	2646

6.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
Disclose entirely	23	15	26	21	8	12	9	114
Disclose in part	0	2	8	8	8	9	35	70
Exempt entirely	0	0	0	0	0	1	2	3
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	2	1	0	2	1	2	5	13
Total	25	18	34	31	17	24	51	200

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
Disclose entirely	1	1	1	1	0	2	3	9
Disclose in part	1	1	0	1	0	1	2	6
Exempt entirely	0	0	1	0	0	0	0	1
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	1	1
Total	2	2	2	2	0	3	6	17

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 Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	37	534	0	0	0	0	0	0	0	0
16 to 30	11	91	3	162	0	0	0	0	0	0
31 to 60	7	37	2	295	0	0	0	0	0	0
61 to 120	3	17	1	0	0	0	0	0	0	0
121 to 180	5	24	2	70	0	0	0	0	0	0
181 to 365	0	0	1	117	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	63	703	9	644	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 Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	1	0	0	0	0	0	0	0	0	0
181 to 365	0	0	1	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	1	0	1	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 recommendation s issued by the Information Commissioner	Section 37 Reports of finding containing orders issued by the Information Commissioner
61	0	18	69	3	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		\$4,007,934
Overtime		\$21,668
Goods and Services		\$1,501,891
• Professional services contracts	\$1,317,076	
• Other	\$184,815	
Total		\$5,531,493

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	46.630
Part-time and casual employees	0.875
Regional staff	0.000
Consultants and agency personnel	9.125
Students	0.375
Total	57.005

Note: Enter values to three decimal places.

ANNEX C: SUPPLEMENTAL STATISTICAL REPORT ON THE ACCESS TO INFORMATION ACT AND PRIVACY ACT FOR 2020-2021

Government
of CanadaGouvernement
du Canada

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

Name of institution: National Defence

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	52
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	0	27	25	52
Protected B Paper Records	0	35	17	52
Secret and Top Secret Paper Records	0	42	10	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	26	26	52
Protected B Electronic Records	0	35	17	52
Secret and Top Secret Electronic Records	0	41	11	52