

***ACCESS TO INFORMATION ACT
AND PRIVACY ACT***
**ANNUAL REPORT TO PARLIAMENT
FOR THE PERIOD FROM
APRIL 1, 1998 TO MARCH 31, 1999**

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OVERVIEW OF THE ATLANTIC CANADA OPPORTUNITIES AGENCY



MANDATE AND MISSION

The Agency derives its mandate from Part I of the *Government Organization Act, Atlantic Canada 1987, R.S., c. G-5.7*, otherwise known as the *Atlantic Canada Opportunities Agency Act*. The Act provides ACOA with a broad mandate for economic development in Atlantic Canada.

ACOA Mandate



To increase opportunity for economic development in Atlantic Canada and, more particularly, to enhance the growth of earned incomes and employment opportunities in that region.

To fulfill its mandate, the mission for ACOA is to work in partnership with the people of Atlantic Canada towards the long-term economic development of the region.



OPERATING ENVIRONMENT

1. POSITION WITHIN THE GOVERNMENT

ACOA operates within the Industry Portfolio, which includes 14 departments and agencies that report to Parliament through the Minister of Industry. The Portfolio's mandate, mission, objectives, priorities and services reflect the federal government's national *Jobs and Growth Agenda* to enhance:

- ▶ small- and medium-sized business (SME) development;
- ▶ trade and foreign investment;
- ▶ technology and innovation; and,
- ▶ employment opportunities for young people.

The foundation of the Portfolio approach is a commitment by its members to effective cooperation and partnerships, a concept which is central to how ACOA addresses the needs and opportunities of Atlantic Canadian SMEs.

ACOA's work in 1998-99 contributed to progress in many of the government-wide priorities outlined in the September, 1997 Speech from the Throne. To implement its *Jobs and Growth Agenda*, the Government prioritized work with youth, rural Canadians, SMEs, and Aboriginal communities as well as work in trade and the knowledge-based economy.

2. CO-DELIVERY PARTNERS

Regional economic development is a long-term, complex, multi-dimensional undertaking. ACOA's approach to economic development has been based on the partnerships it has forged with the business community (SMEs and business associations), the provinces, other government departments and agencies, educational institutions, and various public and community-based economic development organizations.

3. DEVELOPMENT APPROACH

To meet its mandate the Agency pursues two distinct activities:

- a) *ensuring that a wide variety of business development tools and resources serve the diverse needs of the region's emerging and existing entrepreneurs; and,*
- b) *ensuring that all economic development programs and activities in Atlantic Canada are coordinated and designed to improve the climate for business growth generally.*

ACOA works to enhance the competitive strength of SMEs in the region. In Atlantic Canada over 95% of newly created businesses are small- or medium-sized firms with less than 100 employees. SMEs create 58% of new jobs.

4. STRATEGIC DIRECTIONS

The Agency's strategic directions focus on the means to facilitate the creation and growth of SMEs, on overcoming barriers to growth, on fostering a development environment and on areas of special opportunities.

Strategic Priorities:

Policy, Advocacy and Coordination

To provide a targeted program of policy research to improve the understanding of issues and build consensus; advocacy of Atlantic interests in federal policy and coordination of government initiatives.

Innovation and Technology

To strengthen the innovation performance of SMEs through development and commercialization of new technologies and growth of strategic sectors.

Trade, Investment and Tourism

To increase the number of new exporters and increase sales of existing exporters; to increase foreign investment in the Region; to support the tourism industry to increase growth.

❑ *Entrepreneurship and Skills Development*

To contribute to an increase in the number of Atlantic Canadians who choose to start their own business and improve SME chances for survival and growth.

Horizontal Priorities:

❑ *Community Economic Development*

To help communities plan and realize their own economic opportunities and ensure that all ACOA activities address rural economic development priorities.

❑ *Access to Capital*

To provide greater access to capital and information to SMEs; to address gaps in those financing areas traditional lenders consider higher risk, with a focus on strategic sectors and most affected groups (e.g., youth and Aboriginals).

❑ *Adjustment*

To take advantage of the established Agency network and knowledge to undertake initiatives for the federal government to mitigate impacts of economic downturns (e.g., base closures, groundfish closure).

5. PROGRAMS

ACOA links its strategic directions to its clients through the following major programs:

Business Development Program (BDP):

- ▶ assistance to SMEs to establish, expand or modernize;
- ▶ interest free, unsecured loans.

Consulting Advisory Services (CAS):

- ▶ provisions to business clients of immediate access to consulting expertise to pursue business opportunities or solve problems.

Canada Business Service Centres (CBSCs):

- ▶ provision of business-related services and information products to SMEs and aspiring entrepreneurs;
- ▶ a 1-800 telephone service, Internet communications, fax, and walk-in services.

Community Futures Program:

- ▶ autonomous, not for profit Community Business Development Corporations (CBDCs) are supported by ACOA to help entrepreneurs in rural areas to access the information, advice and capital required to succeed.

COOPERATION Program:

- ▶ comprehensive, federal-provincial, cost-shared agreements;
- ▶ strategic investment benefiting an industry, a sector, a community, and/or a province.

Adjustment Initiatives:

- ▶ Assistance to communities in developing alternative employment opportunities in response to the downturn in the Atlantic groundfish industry;
- ▶ Base closure adjustment activities, generating economic diversification and new employment opportunities;
- ▶ Borden-Cape Tormentine redevelopment programs, generating new employment opportunities during the transition from ferry service to the new fixed link between New Brunswick and Prince Edward Island.



DEPARTMENTAL ORGANIZATION

1. ACTIVITY STRUCTURE

ACOA's program is divided into two main business lines: Development and Corporate Administration. The majority of ACOA's efforts towards the attainment of its objectives are accounted for under Development. The Corporate Administration business line isolates the administrative functions of the Agency from the direct program-related business of the organization.

Development:

Support and promote opportunities for economic development in Atlantic Canada, with particular emphasis on SMEs, through planning, research analysis, policy, program and project development and implementation, and through advocating the interests of Atlantic Canada.

Corporate Administration:

Ensure that ACOA’s resources are efficiently and effectively managed and the administrative systems and services are in place to enhance management decision making, managerial accountability and operational control.

2. ORGANIZATION STRUCTURE

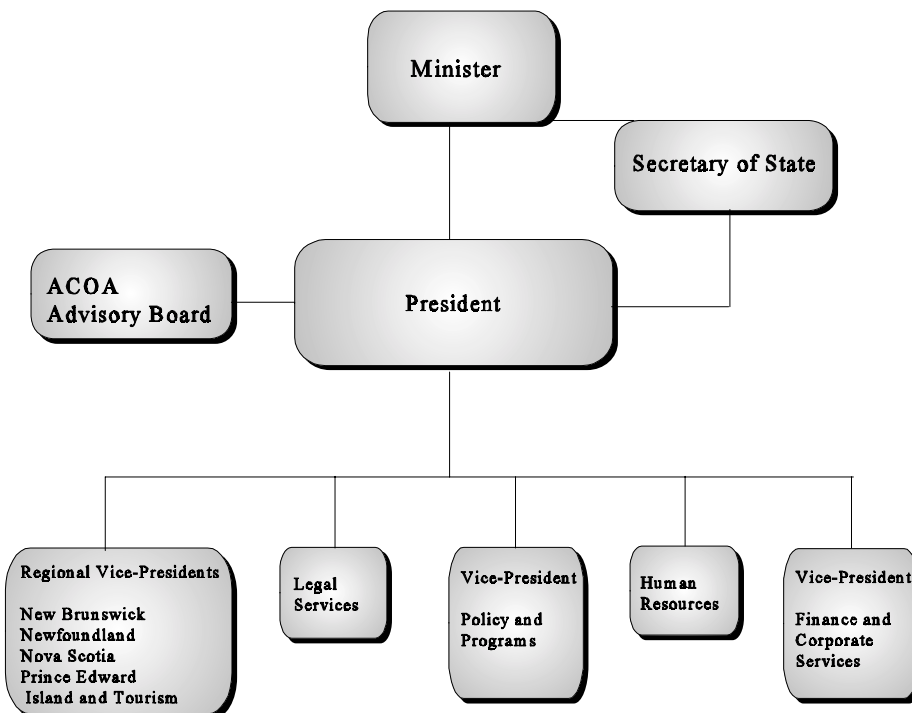
ACOA’s Head Office is located in Moncton, New Brunswick. Head Office components are the President’s office, Policy and Programs, Finance and Corporate Services, Legal Services and Human Resources.

In each capital of the Atlantic provinces, regional Vice-Presidents are responsible for the deliver of ACOA programs. In Sydney, Nova Scotia, the Vice-President of Enterprise Cape Breton Corporation (ECBC) is responsible for delivering most of ACOA’s programs in Cape Breton. Each Vice-President is equipped with Ministerial delegated authorities to approve most projects and proposals occurring in their respective area of responsibility.

Through its Ottawa office, ACOA advocates the interests of Atlantic Canadians in the development of national policies and programs, including the interests of the region’s entrepreneurs related to federal procurement.

ACOA legislation provides for an ACOA Advisory Board. The Board is composed of the President of ACOA and not more than seven other members who represent all areas in Atlantic Canada.

Figure 1: Organization structure





ADMINISTRATION OF THE ACCESS TO INFORMATION AND PRIVACY PROGRAM

1. DELEGATION OF AUTHORITY

The President of the Agency is designated as the head of the government institution for the purpose of both the *Access to Information Act* and the *Privacy Act* and has delegated his authority to the Vice-President, Finance and Corporate Services.

The Access to Information and Privacy (ATIP) Coordinator has delegated authority to oversee the administration of the Acts and to ensure compliance with the legislation.

2. PROCESSING OF FORMAL REQUESTS

To ensure an effective and consistent administration of the ATIP legislation, the Agency maintains a system for processing requests aimed at disclosing to the requestor the maximum information possible which is not injurious to the public and private interest. The process also ensures that a representations from mandatory consultations, deliberations, and decisions expressed concerning each request are respected and responded to in the most timely and consistent manner given the nature and scope of the request.

3. READING ROOM

The Agency has designated a section of the library at Head Office in Moncton as the Access Reading Room for the purpose of examining the disclosable records.

4. EMPLOYEE AWARENESS

During the reporting period, the ATIP Office sensitized and guided employees on the requirements of the legislation by means of continuous dialogue and information bulletins. In addition, two privacy awareness sessions were delivered to ACOA staff at the New Brunswick regional office.

5. COMPLAINTS AND INVESTIGATIONS

In the 1998-99 Annual Report to Parliament, the Information Commissioner reported only three complaints on the Agency's application of the *Access to Information Act* of which two were resolved and one was discontinued.

REPORT ON THE *ACCESS TO INFORMATION ACT*





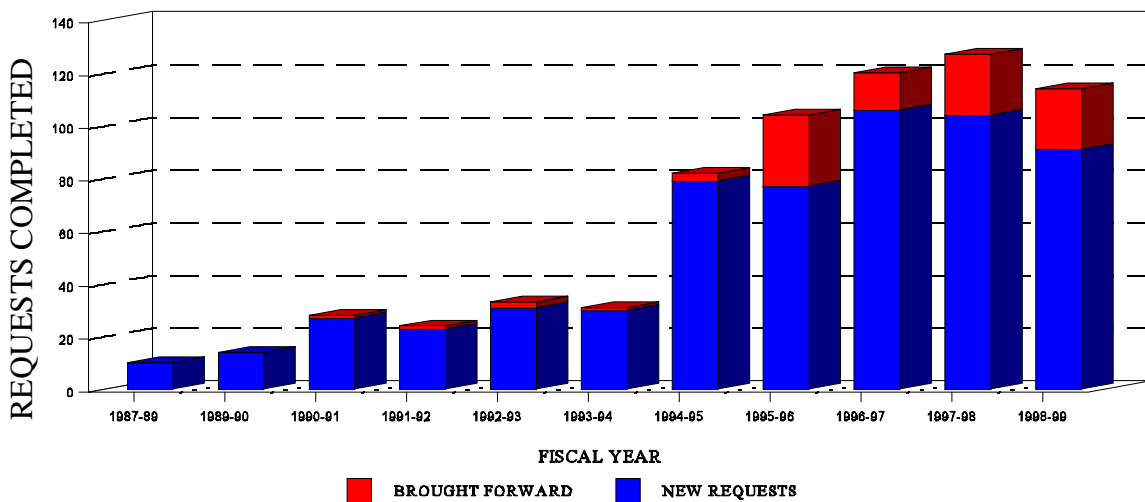
HIGHLIGHTS AND SUMMARY OF ACTIVITIES

From 1997-98 to 1998-99, the Agency has experienced a decline of 15% in the number of new requests received (see Figure 2 below). The caseload processed by the Agency during the reporting period amounted to 114 requests -- 91 new requests and 23 requests outstanding from the previous reporting period -- which represented approximately 80,500 pages reviewed.

In addition, the Agency responded to 19 consultations from other federal and provincial institutions and conducted over 193 consultations with third parties and other government institutions.

In over half of the cases, the applicant sought information pertaining to Agency clients. Therefore, the two major exemptions applied under the *Access to Information Act* were the mandatory protection of personal and third party confidential information.

Figure 2: Requests made under the *Access to Information Act* from 1987-88 to 1998-99



B ANNUAL STATISTICAL REPORT



Government / Gouvernement
of Canada / du Canada

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

Institution Atlantic Canada Opportunities Agency / Agence de promotion économique du Canada atlantique				Reporting period / Période visée par le rapport 01/04/98 - 31/03/99	
Source →	Media / Médias 31	Academia / Secteur universitaire 0	Business / Secteur commercial 36	Organization / Organisme 19	Public 5

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	91
Outstanding from previous period En suspens depuis la période antérieure	23
TOTAL	114
Completed during reporting period Traitées pendant la période visée par le rapport	90
Carried forward Reportées	24

II Disposition of requests completed Disposition à l'égard des demandes traitées					
1	All disclosed Communication totale	29	6	Unable to process Traitement impossible	10
2	Disclosed in part Communication partielle	47	7	Abandoned by applicant Abandon de la demande	1
3	Nothing disclosed (excluded) Aucune communication (exclusion)	0	8	Treated informally Traitement non officiel	0
4	Nothing disclosed (exempt) Aucune communication (exemption)	3	TOTAL		90
5	Transferred Transmission	0			

III Exemptions invoked Exceptions invoquées							
S. Art. 13(1) (a)	0	S. Art. 16(1) (a)	4	S. Art. 18 (b)	0	S. Art. 21(1) (a)	4
(b)	1	(b)	0	(c)	0	(b)	3
(c)	12	(c)	5	(d)	1	(c)	12
(d)	2	(d)	0	S. Art. 19(1)	40	(d)	3
S. Art. 14	18	S. Art. 16(2)	0	S. Art. 20(1) (a)	5	S. Art. 22	0
S. Art. 15(1) International rel. Relations intern.	1	S. Art. 16(3)	0	(b)	40	S. Art. 23	4
Defence Défense	0	S. Art. 17	0	(c)	36	S. Art. 24	1
Subversive activities Activités subversives	0	S. Art. 18(a)	0	(d)	32	S. Art. 26	0

IV Exclusions cited Exclusions citées			
S. Art. 68 (a)	1	S. Art. 69(1) (c)	0
(b)	0	(d)	5
(c)	0	(e)	6
S. Art. 69(1) (a)	0	(f)	0
(b)	0	(g)	5

V Completion time Délai de traitement	
30 days or under 30 jours ou moins	32
31 to 60 days De 31 à 60 jours	21
61 to 120 days De 61 à 120 jours	16
121 days or over 121 jours ou plus	21

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	0	7
Third party Tiers	3	24
TOTAL	3	31

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

VIII Method of access Méthode de consultation	
Copies given Copies de l'original	75
Examination Examen de l'original	0
Copies and examination Copies et examen	1

IX Fees Frais			
Net fees collected Frais net perçus			
Application fees Frais de la demande	\$ 440	Preparation Préparation	0
Reproduction	0	Computer processing Traitement informatique	0
Searching Recherche	0	TOTAL	\$440
Fees waived Dispense de frais		No. of times Nombre de fois	\$
\$25.00 or under 25 \$ ou moins		61	\$ 457
Over \$25.00 De plus de 25 \$		15	\$1,109

X Costs Coûts	
Financial (all reasons) Financiers (raisons)	
Salary Traitement	\$327,934
Administration (O and M) Administration (fonctionnement et maintien)	\$ 53,252
TOTAL	\$381,186
Person year utilization (all reasons) Années-personnes utilisées (raisons)	
Person year (decimal format) Années-personnes (nombre décimal)	7.71

STATISTICAL REPORT - INTERPRETATION AND EXPLANATION

The following is an interpretation and explanation of the information contained in the Annual Statistical Report shown on the previous page.

I: REQUESTS UNDER THE *ACCESS TO INFORMATION ACT*

The total number of requests processed by the Agency during 1998-99 amounted to 114 compared to 127 in 1997-98; 91 new requests were received during the reporting period, while 23 requests were outstanding from the previous reporting period. Of the total requests received during 1998-99, 74% originated from the business sector and the media compared to 55% in the previous fiscal year.

II: DISPOSITION OF REQUESTS COMPLETED

Of the 90 requests completed during 1998-99, the Agency granted access to the records, either in whole or in part, in 84% of the cases, compared to 69% in the previous fiscal year. In ten cases, the Agency was unable to process the request for reasons such as non-existence of records. In three cases, all information was exempt from access. One request was abandoned by the applicant.

III and IV: EXEMPTIONS INVOKED AND EXCLUSIONS CITED

In 96% of the cases where access was granted, the Agency was able to disclose in full or in part the information requested. The two major exemptions invoked were related to the **mandatory** provisions for Personal Information (section 19) and Third Party Information (section 20). Figure 3, on the following page, shows the frequency of exemptions invoked and exclusions cited for the last two reporting periods.

V and VI: COMPLETION TIME AND EXTENSIONS

During 1998-99, approximately 60% of the cases were completed within 60 days. Compared with the previous reporting period, this represents a 7% improvement in the response time.

Due to the necessary consultations with other government institutions and third parties, extensions were required beyond the prescribed time limit of 30 days in 38% of the requests completed in 1998-99, compared to 31% in the previous reporting period.

FIGURE 3: Frequency of exemptions invoked and exclusions cited, by sections of the *Access to Information Act* (Please note that the section is only reported once for each request)

Section	Description of the Section	Frequency	
		1997-98	1998-99
13(1)(b)	Information obtained in confidence from international organizations	0	1
13(1)(c)	Information obtained in confidence from a provincial government	9	12
13(1)(d)	Information obtained in confidence from a municipal or regional government	2	2
14	Federal-provincial affairs	15	18
15(1)	International affairs and defence	1	1
16(1)(a)	Law Enforcement and Investigations - Information prepared or obtained from an investigating body re law enforcement and investigation	1	4
16(1)(c)	Law enforcement and Investigations - Information which could be injurious to the enforcement of any law of Canada or a province or the conduct of lawful investigations	2	5
16(2)	Law enforcement and investigations - Security	1	0
18(d)	Economic interests of Canada	0	1
19(1)	Personal information as defined in the <i>Privacy Act</i>	38	40
20(1)(a)	Trade secrets of a third part	9	5
20(1)(b)	Third-party financial, commercial, scientific or technical confidential information	37	40
20(1)(c)	Financial loss or gain, or could prejudice the competitive position of a third part	34	36
20(1)(d)	Interference with negotiations of a third part	31	32
21(1)(a)	Advice or recommendations by or for the government or Minister of the Crown	18	4
21(1)(b)	Account of consultations or deliberations of government or Minister of the Crown	13	3
21(1)(c)	Positions or plans for negotiations carried by or on behalf of the Government of Canada	20	12
21(1)(d)	Plans relating to the management of personnel or administration of a government institution not yet put into operation	17	3
23	Solicitor-client privilege	6	4
24	Statutory prohibitions against disclosure	4	1
26	Refusal of access where information is to be published	2	0
68(a)	Materials published or available for purchase by the public	5	1
69(1)(a)	Confidences of the Queen's Privy Council for Canada - Memoranda	3	0
69(1)(d)	Confidences of the Queen's Privy Council for Canada - Discussions between ministers	0	5
69(1)(e)	Confidences of the Queen's Privy Council for Canada - Records to brief ministers	5	6
69(1)(g)	Confidences of the Queen's Privy Council for Canada - Records containing information re (a) to (f)	4	5

VII: TRANSLATIONS

No translation was required in 1998-99 or in 1997-98.

VIII: METHOD OF ACCESS

In all cases where access was granted in the past two fiscal years, the Agency provided copies, in whole or in part, of the records to the requester. In one case, the method of access also included an examination of records.

IX: FEES

The Agency collected application fees in the amount of \$440 during 1998-99 compared to \$425 in the previous fiscal year; while it waived a total of \$1,566 in fees (\$4,118 in the previous fiscal year).

X: COSTS

In 1998-99, the direct cost of administering the *Access to Information Act* amounted to \$381,186; \$327,934 in salary costs and \$53,252 in administration costs. The person-year utilization totalled 7.71. A system to collect indirect costs has recently been put into place and will undoubtedly result in much higher, more accurate total costs being reported in subsequent years.

REPORT ON THE *PRIVACY ACT*





Institution Atlantic Canada Opportunities Agency / Agence de promotion économique du Canada atlantique	Reporting period / Période visée par le rapport 01/04/98 - 31/03/99
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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	2
Outstanding from previous period / En suspens depuis la période antérieure	0
TOTAL	2
Completed during reporting period / Traitées pendant la période visée par le rapport	2
Carried forward / Reportées	0

II Disposition of requests completed / Disposition à l'égard des demandes traitées	
1 All disclosed / Communication totale	0
2 Disclosed in part / Communication partielle	0
3 Nothing Disclosed (excluded) / Aucune communication (exclusion)	0
4 Nothing disclosed (exempt) / Aucune communication (exemption)	0
5 Unable to process / Traitement impossible	1
6 Abandoned by applicant / Abandon de la demande	1
7 Transferred / Transmission	0
TOTAL	2

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	0
S. Art. 27	0
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	0
31 to 60 days / De 31 à 60 jours	0
61 to 120 days / De 61 à 120 jours	1
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 / Interruptions des opérations	1	
Consultation	0	
Translation / Traduction	0	0
TOTAL	1	0

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

VIII Method of access / Méthode de consultation	
Copies given / Copies de l'original	0
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)	
Salary / Traitement	\$7,284
Administration (O and M) / Administration (fonctionnement et maintien)	\$
TOTAL	\$7,284
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.17