

# **Atlantic Canada Opportunities Agency**



## **Access to Information Act and Privacy Act Annual Report to Parliament**

**April 1, 1999 to March 31, 2000**

## **TABLE OF CONTENTS**

### OVERVIEW OF THE ATLANTIC CANADA OPPORTUNITIES AGENCY (ACOA)

MANDATE AND MISSION .....	1
OPERATING ENVIRONMENT .....	2
DEPARTMENTAL ORGANIZATION .....	4

### *ACCESS TO INFORMATION AND PRIVACY ACTS*

ACOA'S ADMINISTRATION OF THE <i>ACCESS TO INFORMATION</i> AND <i>PRIVACY ACTS</i> .....	7
HIGHLIGHTS AND SUMMARY OF ACOA'S ACTIVITIES .....	9
REPORT ON THE ACCESS TO INFORMATION ACT .....	10
REPORT ON THE PRIVACY ACT .....	12
FREQUENCY OF EXEMPTIONS INVOKED AND EXCLUSIONS CITED, BY SECTIONS OF THE <i>ACCESS TO INFORMATION ACT</i> .....	16

## OVERVIEW OF THE ATLANTIC CANADA OPPORTUNITIES AGENCY (ACOA)

### MANDATE AND MISSION

In 1999-2000, ACOA marked its thirteenth year of working in cooperation with Atlantic Canadians to increase economic development opportunities for the region.

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 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 97% of newly created businesses are small- or medium-sized firms with less than 100 employees. SMEs create 63% of new jobs.

#### *ACOA Mission*



To work in partnership with the people of Atlantic Canada toward the long-term economic development of the region.

To meet its mandate of increasing opportunity for economic development in Atlantic Canada, ACOA's mission statement embraces the principle of partnership. The Agency has put in place an extensive network, plus the structures necessary to carry out this mandate.

## **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 jobs and growth agenda:

- < growth of small- and medium-sized business (SME);
- < trade and investment;
- < innovation through science and technology 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 1999-2000 contributed to progress in many government-wide priorities outlined in the October, 1999 Speech from the Throne. To implement its jobs and growth agenda, the Government prioritized work in strengthening the relationship with Canada's Aboriginal people, building a dynamic economy, developing our youth and advancing Canada's place in the world.

### **2. KEY CO-DELIVERY PARTNERS**

Regional economic development is a long-term, multi-dimensional undertaking involving a wide variety of stakeholders.

ACOA's approach to economic development is based on the partnerships it has forged with the business community (SMEs and business associations), the provincial governments, other federal departments and agencies, educational institutions, and various public and Community-Based Economic Development (CBED) organizations.

### **3. STRATEGIC PRIORITIES AND PROGRAMS**

ACOA had three broad goals in Fiscal Year 1999-2000:

- < improved growth and competitiveness of Atlantic SMEs;
- < increased economic opportunities for rural Atlantic Canada; and,
- < greater economic activity through national policies sensitive to the needs of the region.

The achievement of these three broad goals was pursued largely within the context of ACOA's six strategic priorities:

*" Policy, Advocacy and Coordination:*

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

*" Innovation:*

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

*" Trade, Tourism and Investment:*

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 Business 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.

*" Community Economic Development:*

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

*" Access to Capital and Information:*

To provide greater access to capital and information for 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 Aboriginal peoples).

## **Programs**

*Business Development Program (BDP):*

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

*COOPERATION Program:*

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

*Canada Business Service Centres:*

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

*Adjustment Programs:*

- C assistance to communities in development of alternative employment opportunities in response to significant shocks such as the downturn in the Atlantic groundfish industry, base closure adjustment and Borden-Cape Tormentine redevelopment.

*Community Futures:*

- C 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.

## **DEPARTMENTAL ORGANIZATION**

### **a. ACTIVITY STRUCTURE**

ACOA's program is divided into two main business lines: Development and Corporate Administration. The majority of ACOA's efforts toward 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.

### **b. 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. The organizational structure is depicted on page 6.

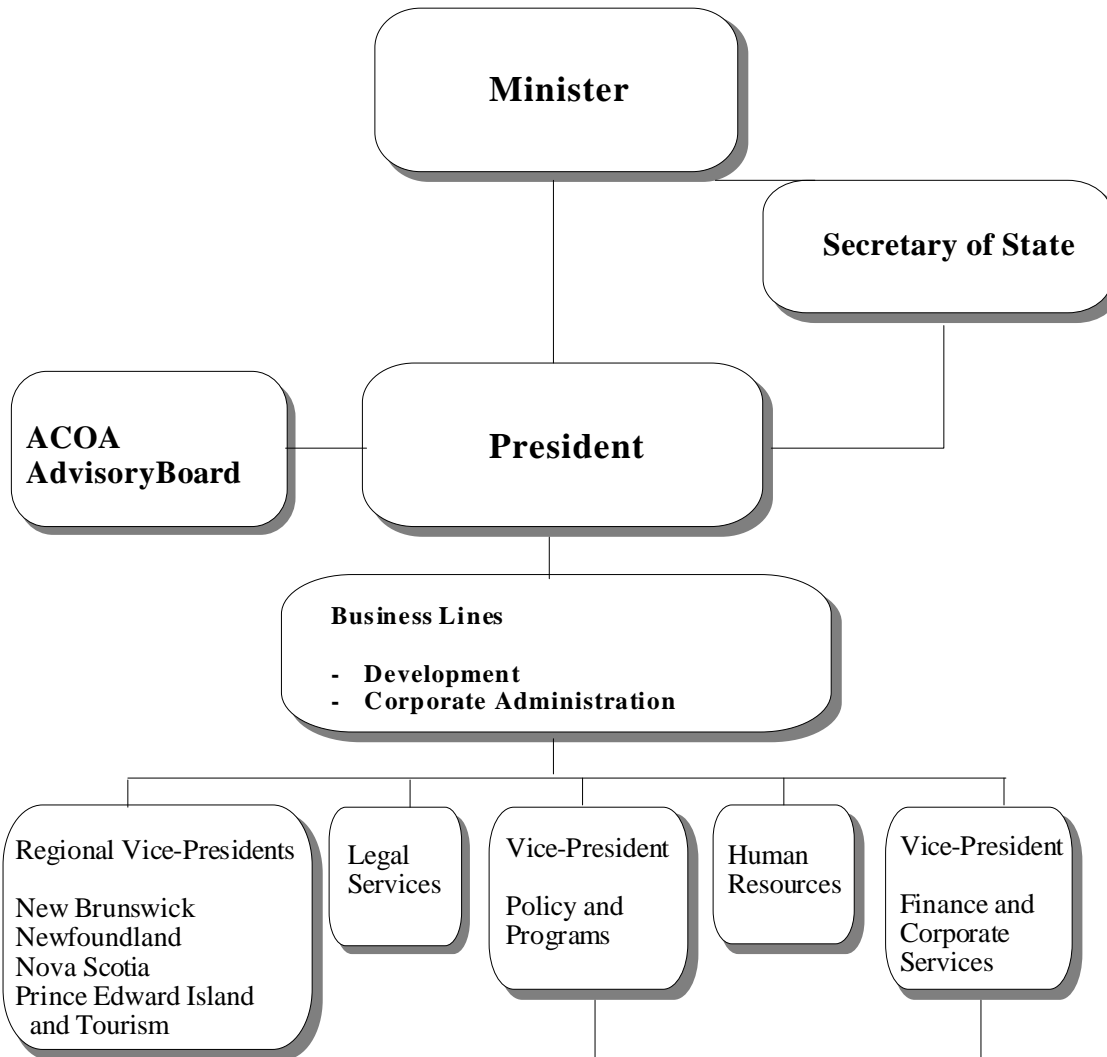
In each provincial capital in Atlantic Canada, regional Vice-Presidents are responsible for the delivery of ACOA programs. In Sydney, Nova Scotia, the Vice-President of Enterprise Cape Breton Corporation (ECBC) is responsible for delivering most of ACOA's programs in

Cape Breton. Each Vice-President is equipped with Ministerial-delegated authorities to approve projects and proposals occurring in his/her 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 seven other members who represent all areas in Atlantic Canada.

## Organizational Structure



## Key Responsibilities





## ***ACCESS TO INFORMATION AND PRIVACY ACTS***

### **ACOA'S ADMINISTRATION OF THE *ACCESS TO INFORMATION AND PRIVACY ACTS***

#### **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, in turn, delegated his authority to the Vice-President, Finance and Corporate Services.

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

#### **2. PROCESSING OF FORMAL REQUESTS**

To ensure effective and consistent administration of the ATIP legislation, the Agency maintains a system for processing requests aimed at disclosing the maximum information possible to the requestor which is not injurious to the public and private interest. The process also ensures that all 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 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 circulation of information bulletins. Information and training sessions about Access to Information and Privacy were offered to employees in the Halifax, St. John's and Ottawa regional offices as well as in the Agency's Head Office in Moncton.

#### **5. COMPLAINTS AND INVESTIGATIONS**

In the 1999-2000 Annual Report to Parliament, the Privacy Commissioner reported two complaints on the Agency's application of the *Privacy Act*. Both were resolved, one having been discontinued and the other determined to have been "not well founded".

A total of seven complaints were filed with the Information Commissioner on the Agency's application of the *Access to Information Act*. Of these, three were determined to be "not substantiated", one was withdrawn by the applicant, two were considered to be "well-founded" and appropriate remedial action was taken to resolve the issues. The final complaint filed during 1999-2000 is based on a complex file representing well over 12,000 pages. The review of the entire file in response to the complaint is ongoing.

## **6. APPEALS TO FEDERAL COURT**

In November of 1999, the Federal Court of Appeal heard the case of the *Information Commissioner of Canada vs. the President of the Atlantic Canada Opportunities Agency*. The lower Court's decision was reversed ordering ACOA to disclose employment figures provided by its clients as part of a survey conducted on behalf of the Agency by Price Waterhouse in 1992. As ordered by the Court, the records were disclosed to the requestor two days later.

## HIGHLIGHTS AND SUMMARY OF ACOA'S ACTIVITIES

The caseload processed by the Agency during the reporting period amounted to 98 requests (under the *Access to Information Act*); 74 of these were new requests and 24 were requests carried forward from the previous reporting period. From 1998-1999 to 1999-2000, the Agency cleared a backlog reducing the number of outstanding requests from 24 to 14.

The Agency received four requests under the *Privacy Act*, three of which were completed during the reporting period and one was carried forward to 2000-2001.

During 1999-2000, the Agency responded to 17 consultations received from other federal and provincial institutions and originated over 100 mandatory consultations regarding the disclosure of information provided to ACOA by third parties and other government institutions.

In the Fall of 1999, the Agency implemented an Access to Information and Privacy (ATIP) tracking system, *ATIPflow*. This measure has significantly improved administration and facilitated reporting as required by both the Access to Information and Privacy Acts. As well this technology has enhanced the ATIP unit's ability to respond to requests for data from senior management.

In the last quarter of the reporting period, there was substantial staff turnover in the ATIP unit with three officers leaving to pursue new opportunities. As an interim measure, temporary personnel were hired pending permanent staffing action.

The first quarter of 2000-2001 has seen a 100% increase in the number of requests received at the Agency during the same period in 1999-2000. All indications are that this trend will continue throughout the 2000-2001 reporting period.

**REPORT ON THE *ACCESS TO INFORMATION ACT***



Institution Atlantic Canada Opportunities Agency / Agence de promotion économique du Canada atlantique				Reporting period / Période visée par le rapport 04/01/99 - 03/31/00	
Source	Media / Médias 18	Academia / Secteur universitaire 0	Business / Secteur commercial 19	Organization / Organisme 19	Public 18

**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	74
Outstanding from previous period / En suspens depuis la période antérieure	24
<b>TOTAL</b>	<b>98</b>
Completed during reporting period / Traitées pendant la période visée par le rapport	84
Carried forward / Reportées	14

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

1	All disclosed / Communication totale	8	6	Unable to process / Traitement impossible	11
2	Disclosed in part / Communication partielle	48	7	Abandoned by applicant / Abandon de la demande	2
3	Nothing disclosed (excluded) / Aucune communication (exclusion)	0	8	Treated informally / Traitement non officiel	11
4	Nothing disclosed (exempt) / Aucune communication (exemption)	4	<b>TOTAL</b>		<b>84</b>
5	Transferred / Transmission	0			

**III** Exemptions invoked / Exceptions invoquées

S. Art. 13(1) (a)	0	S. Art. 16(1) (a)	3	S. Art. 18 (b)	0	S. Art. 21(1) (a)	17
(b)	0	(b)	0	(c)	0	(b)	18
(c)	20	(c)	4	(d)	1	(c)	22
(d)	2	(d)	0	S. Art. 19(1)	35	(d)	5
S. Art. 14	21	S. Art. 16(2)	1	S. Art. 20(1) (a)	4	S. Art. 22	0
S. Art. 15(1) International rel. / Relations intern.	0	S. Art. 16(3)	0	(b)	44	S. Art. 23	10
Defence / Défense	0	S. Art. 17	1	(c)	44	S. Art. 24	4
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	40	S. Art. 26	0

**IV** Exclusions cited / Exclusions citées

S. Art. 68 (a)	1	S. Art. 69(1) (c)	1
(b)	0	(d)	0
(c)	0	(e)	5
S. Art. 69(1) (a)	4	(f)	0
(b)	0	(g)	7

**V** Completion time / Délai de traitement

30 days or under / 30 jours ou moins	33
31 to 60 days / De 31 à 60 jours	16
61 to 120 days / De 61 à 120 jours	13
121 days or over / 121 jours ou plus	22

**VI** Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	8	0
Consultation	15	7
Third party / Tiers	2	12
<b>TOTAL</b>	<b>25</b>	<b>19</b>

**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	67
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

**IX** Fees / Frais

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	\$ 275.00	Preparation / Préparation	0.00
Reproduction	0.00	Computer processing / Traitement informatique	0.00
Searching / Recherche	0.00	<b>TOTAL</b>	<b>\$275.00</b>
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		36	\$ 313.20
Over \$25.00 / De plus de 25 \$		35	\$4,134.36

**X** Costs / Coûts

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$284,377.00
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 36,369.00
<b>TOTAL</b>	<b>\$320,746.00</b>
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	6.82

**REPORT ON THE *PRIVACY ACT***



Institution Atlantic Canada Opportunities Agency / Agence de promotion économique du Canada atlantique	Reporting period / Période visée par le rapport 04/01/99 - 03/31/00
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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	4
Outstanding from previous period / En suspens depuis la période antérieure	0
<b>TOTAL</b>	<b>4</b>
Completed during reporting period / Traitées pendant la période visée par le rapport	3
Carried forward / Reportées	1

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)	1
5 Unable to process / Traitement impossible	1
6 Abandoned by applicant / Abandon de la demande	1
7 Transferred / Transmission	0
<b>TOTAL</b>	<b>3</b>

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	3
31 to 60 days / De 31 à 60 jours	0
61 to 120 days / De 61 à 120 jours	0
121 days or over / 121 jours ou plus	0

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	0	0
Consultation	0	0
Translation / Traduction	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>

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	1
Corrections made / Corrections effectuées	0
Notation attached / Mention annexée	0

X Costs / Coûts	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 5,855.
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 5,431.
<b>TOTAL</b>	<b>\$11,286.</b>
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.3

## **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 pages.

### **I: REQUESTS UNDER THE *ACCESS TO INFORMATION ACT***

A total of 98 requests were processed by the Agency during 1999-2000 compared to 114 in 1998-1999. During this current reporting period, 74 new requests were received while 24 requests were carried forward from the previous reporting period. The number of incoming requests has decreased by 15% and the number of outstanding files carried forward from the previous reporting period was reduced to 14.

### **II: DISPOSITION OF REQUESTS COMPLETED**

Of the 84 requests completed during 1999-2000, the Agency granted access, in whole or in part, to the records in 80% of the cases. In 11 cases, the Agency was unable to process the request for reasons such as non-existence of records. In four cases, all information was exempt from access. Two requests were abandoned by the applicant.

As previously noted, 14 cases were carried over from 1999-2000, 41% fewer than the previous year.

### **III and IV: EXEMPTIONS INVOKED AND EXCLUSIONS CITED**

In 94% 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 on Personal Information (section 19) and Third Party Information (section 20). Table 1, on page 16, shows the frequency of exemptions invoked and exclusions cited for the last two reporting periods.

### **V and VI: COMPLETION TIME AND EXTENSIONS**

During 1999-2000, approximately 74% of cases were completed within 120 days, 58% within 60 days.

Extensions were required beyond the prescribed time limit of 30 days in 44 cases due to a large number of records and mandatory consultations with other government institutions and third parties.

### **VII: TRANSLATIONS**

No translation was required in 1999-2000 to respond to requests.



## VIII: METHOD OF ACCESS

In all cases where access was granted in the past three fiscal years, the Agency provided copies of records, in whole or in part, to the requestor. During the 1999-2000 reporting period, the Agency responded to several requests via e-mail and also provided responses in electronic format as requested.

## IX: FEES

The Agency collected application fees in the amount of \$275 during 1999-2000 while it waived a total of \$4,447.56.

## X: COSTS

In 1999-2000, the direct cost of administering the *Access to Information Act* totalled \$320,746, consisting of \$284,377 in salary costs representing 6.82 person-years and \$36,369 in administration costs.

The cost of administering the *Privacy Act* totalled \$11,286 consisting of \$5,855 in salary costs, representing 0.3 person-years, and \$5,431 in administration costs.

**Table 1: 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	
		1998-99	1999-00
13(1)(b)	Information obtained in confidence from international organizations	1	0
13(1)(c)	Information obtained in confidence from a provincial government	12	20
13(1)(d)	Information obtained in confidence from a municipal or regional government	2	2
14	Federal-provincial affairs	18	21
15(1)	International affairs and defence	1	0
16(1)(a)	Law Enforcement and Investigations - Information prepared or obtained from an investigating body re law enforcement and investigation	4	3
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	5	4
16(2)	Law enforcement and investigations - Security	0	1
17	Safety of Individuals	0	1
18(d)	Economic interests of Canada	1	1
19(1)	Personal information as defined in the <i>Privacy Act</i>	40	34
20(1)(a)	Trade secrets of a third party	5	3
20(1)(b)	Third-party financial, commercial, scientific or technical confidential information	40	43
20(1)(c)	Financial loss or gain, or could prejudice the competitive position of a third party	36	44
20(1)(d)	Interference with negotiations of a third party	32	41
21(1)(a)	Advice or recommendations by or for the government or Minister of the Crown	4	17
21(1)(b)	Account of consultations or deliberations of government or Minister of the Crown	3	18
21(1)(c)	Positions or plans for negotiations carried by or on behalf of the Government of Canada	12	22
21(1)(d)	Plans relating to the management of personnel or administration of a government institution not yet put into operation	3	5
23	Solicitor-client privilege	4	10
24	Statutory prohibitions against disclosure	1	3
68(a)	Materials published or available for purchase by the public	1	1
69(1)(a)	Confidences of the Queen's Privy Council for Canada - Memoranda	0	4
69(1)(c)	Agenda and Records of Cabinet Deliberations	0	1
69(1)(d)	Confidences of the Queen's Privy Council for Canada - Discussions between ministers	5	0
69(1)(e)	Confidences of the Queen's Privy Council for Canada - Records to brief ministers	6	5
69(1)(g)	Confidences of the Queen's Privy Council for Canada - Records containing information re (a) to (f)	5	7