

**BUSINESS DEVELOPMENT BANK OF CANADA (“BDC”)  
and BDC CAPITAL INC. (“BDC Capital”)**

**ANNUAL REPORT on the ACCESS TO INFORMATION ACT**

**Reporting period: April 1, 2011 to March 31, 2012**

**1. Purpose of the Law**

The purpose of the Access to Information Act (the “*Act*”) is to extend 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.

**2. Preparation and submission**

This report is prepared and tabled in Parliament in accordance with section 72 of the *Act*.

**3. Mandate**

BDC’s mandate, as set out in the *Business Development Bank of Canada Act*, is to support Canadian entrepreneurship by providing financial, consulting and venture capital services. BDC’s investments may be held in the name of BDC Capital, a wholly-owned subsidiary of BDC. All administration of such investments is performed by BDC employees, using BDC resources and facilities. All relevant records relating to BDC Capital are under the control of BDC.

**4. Organization of Access to Information activities, policies and procedures**

Procedures are in place for directing formal access requests to the Access to Information Coordinator who ensures that they are processed in accordance with the provisions of the *Act*. The Coordinator is normally occupied part-time at BDC’s Montreal Head Office in carrying out his responsibilities pursuant to the *Act*, although he is available at all times together with other administrative support, to process requests as the volume of activity may warrant. Delegated by the President & CEO, the Director, Corporate Compliance (who is the Coordinator), the Assistant Vice President, Legal Affairs, the Counsel and Assistant Corporate Secretary and the Senior Vice President, Legal Affairs and Corporate Secretary are currently exercising the powers, duties and functions under the *Act* and report to BDC’s President & CEO on access to information matters.

BDC receives requests from varied sources and for all types of information throughout the year. BDC’s approach in determining whether to deal with such requests informally or whether to require the requestor to make a formal request under the *Act* depends on the complexity of the investigation and exemption process. Decisions on waiving application and processing fees permitted under the *Act* are made on a case-by-case basis.

**5. Delegation**

A copy of the Delegation Order is attached.

**6. Statistical Report**

As outlined in the attached statistical report, BDC received twelve new formal requests in this reporting period. In relation to the twelve requests that were completed, the relevant records were fully disclosed in four of these files. Portions of the records were exempt in five of the files and BDC was unable to process the remaining three files since it had no relevant records. In addition, there were eight formal consultations from other departments and agencies concerning requests they received in which some BDC-related records were involved.

The percentage breakdown for the source of requests received during this reporting period is as follows:

Media: 16%  
Business: 75%  
Public: 9%

**7. Training**

During the reporting period, no training activities were performed.

**8. Policies, Guidelines and Procedures**

During the reporting period, BDC did not implement any new or revised access to information policies, guidelines or procedures.

**9. Complaints and Investigations**

During the reporting period, BDC dealt with the Office of the Information Commissioner concerning seven complaints and investigations. These complaints were filed for delay from the same requester. Two of them were discontinued and five of them were resolved without a formal recommendation made to the head of institution. Two other complaints were filed in relation with two requests in which BDC claimed exemption for records it considered to have proprietary and strategic value; these complaints are still active and waiting for an investigator to be assigned.

## Delegation under Access to Information Act and Regulations

*R.S.C. 1985, c. A-1*

## Délégation en vertu de la Loi sur l'accès à l'information et ses Règlements

*L.R.C. 1985, c. A-1*

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The President and Chief Executive Officer of the Business Development Bank of Canada (the "BDC"), pursuant to section 73 of the *Access to Information Act* (the "Act") as the head of a government institution for the purpose of the Act, hereby:

- i. designates the BDC Director, Corporate Compliance as BDC's Access to Information Coordinator;
- ii. delegates the persons holding the positions set out in the schedule A hereto, to exercise the powers, duties and functions under the provisions of the Act and related regulations as set out in schedule A in relation to BDC.

These designation and delegation replace all previous delegation orders.

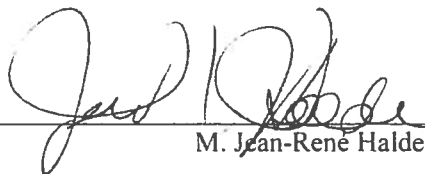
Dated, at the City of Montreal, this 30<sup>th</sup> day of March, 2012.

En vertu de l'article 73 de la *Loi sur l'accès à l'information* (la "Loi"), le Président et chef de la direction de la Banque de Développement du Canada (la "BDC") à titre de responsable d'une institution fédérale selon la Loi:

- i. désigne la Directrice, Conformité de l'entreprise, à titre de Coordonnateur de l'accès à l'information pour la BDC (le "Coordonnateur");
- ii. délègue aux titulaires des postes mentionnés à l'annexe A, les pouvoirs, tâches et fonctions concernant la BDC, selon les dispositions de la Loi et de ses règlements tel que décrit à l'annexe A.

La présente désignation et délégation remplace et annule toute délégation antérieure.

Montréal, le 30<sup>ème</sup> jour de mars, 2012.



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M. Jean-René Halde

President and Chief Executive Officer, Business Development Bank of Canada  
Président et chef de la direction de la Banque de développement du Canada

## Delegation under Access to Information Act and Regulations Schedule A

### Délégation en vertu de la Loi sur l'accès à l'information et ses Règlements Annexe A

**Legend / Légende**

**DCC / DCE:** Director, Corporate Compliance / Directrice Conformité de l'entreprise.  
**CACS / ASGA :** Counsel and Assistant Corporate Secretary / Avocate et Secrétaire générale adjointe.  
**AVP Legal / VPA Légal:** Assistant Vice-President, Legal Affairs / Vice-President adjoint, Affaires juridiques.  
**SVP Legal / PVP Légal:** Senior Vice President, Legal Affairs and Corporate Secretary / Première vice-présidente, Affaires juridiques et secrétaire générale.

All of the above titles include their equivalent under any future renaming of such titles.  
 Tous les titres des postes susmentionnés incluent leurs équivalents en vertu de nouvelles désignations.

(\*) Subject to obtain proper approvals from the BDC legal department, when required.  
 Sous réserve d'obtenir, si requis, les approbations des services juridiques de la BDC.

Provision / Article	Description	Positions / Postes			
		1 <sup>st</sup> / 1 <sup>er</sup>	2 <sup>d</sup> / 2 <sup>e</sup>	3 <sup>rd</sup> / 3 <sup>e</sup>	4 <sup>th</sup> / 4 <sup>e</sup>
<b>Act / Loi</b>					
4(2.1)	Responsibility of head of institution Responsable de l'institution fédérale	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
7(a)	Notice when access requested Notification de l'auteur de la demande	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
7(b)	Giving access to the record Communication du document	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
8(1)	Transfer of request Transmission de la demande	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
9	Extension of time limits Prorogation du délai	DCC* DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
11(2)(3)(4)(5)(6)	Additional Fees Frais supplémentaires	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
12(2)(b)	Language of access Version de la communication	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
12(3)(b)	Access in an alternative format Communication sur support de substitution	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
13	Information obtained in confidence Renseignements obtenus à titre confidentiel	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
14	Federal-provincial affairs Affaires fédéro-provinciales	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
15	International affairs and defence Affaires internationales et défense	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
16	Law enforcement and investigations Application de la loi et enquêtes	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
16.5	Public Servants Disclosure Protection Act Loi sur la protection des fonctionnaires divulgateurs d'actes répréhensibles	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
17	Safety of individuals Sécurité des individus	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
18	Economic interests of Canada Intérêts économiques du Canada	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
18.1	Economic interest of certain government institutions Intérêts économiques de certaines institutions fédérales	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	

19	Personal information Renseignements personnels	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
20	Third party information Renseignements de tiers	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
21	Operations of Government Activités du gouvernement	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
22	Testing procedures, tests and audits Examens et vérifications	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
22.1	Internal Audits Vérifications internes	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
23	Solicitor-client privilege Secret professionnel des avocats	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
24	Statutory prohibitions Interdictions fondées sur d'autres lois	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
25	Severability Prélèvements	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
26	Refusal of access where information is to be published Refus de communication en cas de publication	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
27(1), (4)	Third party notification Avis aux tiers	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
28(1)(b),(2), (4)	Third party notification Avis aux tiers	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
29(1)	Notice of decision to disclose Avis de la décision de communiquer	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
33	Notice to Information Commissioner of notices to third parties Avis au Commissaire à l'information des avis aux tiers	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
35(2)(b)	Right to make representations Droit de présenter des observations	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
37(1)	Notice of actions to implement recommendations of Commissioner Avis des mesures pour la mise en œuvre des recommandations du Commissaire	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
37(4)	Access to be given to complainant Communication accordée au plaignant	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
43(1)	Notice to third party of application to Federal Court for review Avis au tiers d'une demande de révision à la Cour fédérale	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
44(2)	Notice to requester of application for review by third party Avis au demandeur d'un recours en révision du tiers	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
52(2)(b), 52(3)	Special rules for hearings Règles spéciales pour les auditions	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal	
71(1)	Facilities for inspection of manuals Installations de consultation des manuels	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
72	Annual report to Parliament Rapport annuel au Parlement	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
<b>Regulation / Règlement</b>					
6(1)	Transfer of request Transmission de la demande	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
7(2)	Search and preparation fees Frais liés à la recherche et à la préparation	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
7(3)	Production and programming fees Frais liés à la production et la programmation	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
8	Method of access Méthode d'accès	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal
8.1	Limitations in respect of format Restrictions applicables au support	DCC * DCE	AVP Legal VPA Légal	CACS ASGA	SVP Legal PVP Légal



## Statistical Report on the Access to Information Act

Name of institution: Business Development Bank of Canada

Reporting period: 01/04/2011 to 31/03/2012

### PART 1 – Requests under the Access to Information Act

#### 1.1 Number of Requests

	Number of Requests
Received during reporting period	12
Outstanding from previous reporting period	0
<b>Total</b>	<b>12</b>
Closed during reporting period	12
Carried over to next reporting period	0

#### 1.2 Sources of requests

Source	Number of Requests
Media	2
Academia	0
Business (Private Sector)	9
Organization	0
Public	1
<b>Total</b>	<b>12</b>

### PART 2 – Requests closed during the reporting period

#### 2.1 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	0	1	2	1	0	0	0	4
Disclosed in part	0	1	1	1	0	2	0	5
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	1	1	0	1	0	0	0	3
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Treated informally	0	0	0	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>12</b>

## 2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests	Section	Number of requests
13(1)(a)	0	16(2)(a)	0	18(a)	3	20.1	0
13(1)(b)	0	16(2)(b)	0	18(b)	4	20.2	0
13(1)(c)	0	16(2)(c)	0	18(c)	0	20.4	0
13(1)(d)	0	16(3)	0	18(d)	3	21(1)(a)	3
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	3
14(a)	0	16.1(1)(b)	0	18.1(1)(b)	0	21(1)(c)	3
14(b)	0	16.1(1)(c)	0	18.1(1)(c)	0	21(1)(d)	3
15(1) - I.A.*	0	16.1(1)(d)	0	18.1(1)(d)	0	22	0
15(1) - Def.*	0	16.2(1)	0	19(1)	4	22.1(1)	0
15(1) - S.A.*	0	16.3	0	20(1)(a)	3	23	2
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(b)	5	24(1)	2
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(b.1)	0	26	0
16(1)(a)(iii)	0	16.5	0	20(1)(c)	5		
16(1)(b)	0	17	0	20(1)(d)	5		
16(1)(c)	0						
16(1)(d)	0						

\* I.A.: International Affairs    Def.: Defence of Canada    S.A.: Subversive Activities

## 2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
68(a)	0	69(1)(a)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(b)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(c)	0	69(1)(g) re (c)	0
68.1	0	69(1)(d)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(e)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(f)	0	69(1)(g) re (f)	0
				69.1(1)	0

## 2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	4	0	0
Disclosed in part	5	0	0
<b>Total</b>	<b>9</b>	<b>0</b>	<b>0</b>

## 2.5 Complexity

### 2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	143	143	4
Disclosed in part	1002	1002	5
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0

## 2.5.2 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	4	143	0	0	0	0	0	0	0	0
Disclosed in part	2	122	3	880	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>6</b>	<b>265</b>	<b>3</b>	<b>880</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## 2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	2	0	1	0	3
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
<b>Total</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>3</b>

## 2.6 Deemed refusals

### 2.6.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal Reason			
	Workload	External consultation	Internal consultation	Other
7	5	2	0	0

### 2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	5	0	5
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	2	2
More than 365 days	0	0	0
<b>Total</b>	<b>5</b>	<b>2</b>	<b>7</b>



## 2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

## PART 3 – Extensions

### 3.1 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	0	0	0	0
Disclosed in part	1	0	2	1
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>

### 3.2 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	1	0	1	0
31 to 60 days	0	0	1	1
61 to 120 days	0	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>

## PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of requests	Amount	Number of requests	Amount
Application	11	\$5	1	\$5
Search	0	\$0	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	0	\$0
<b>Total</b>	11	\$5	1	\$5

## PART 5 – Consultations received from other institutions and organizations

### 5.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during reporting period	8	116	0	0
Outstanding from the previous reporting period	0	0	0	0
<b>Total</b>	8	116	0	0
Closed during the reporting period	8	116	0	0
Pending at the end of the reporting period	0	0	0	0

### 5.2 Recommendations and completion time for consultations received from other government 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	than 365 days	
Disclose entirely	4	1	0	0	0	0	0	5
Disclose in part	1	0	1	0	0	0	0	2
Exempt entirely	1	0	0	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	0	0
<b>Total</b>	6	1	1	0	0	0	0	8

### 5.3 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	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
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	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### PART 6 – Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

### PART 7 – Resources related to the Access to Information Act

#### 7.1 Costs

Expenditures	Amount
Salaries	\$16,296
Overtime	\$0
Goods and Services	\$4,223
• Professional services contracts	\$4,223
• Other	\$0
<b>Total</b>	<b>\$20,519</b>

## 7.2 Human Resources

<b>Resources</b>	<b>Dedicated full-time to ATI activities</b>	<b>Dedicated part-time to ATI activities</b>	<b>Total</b>
Full-time employees	0.00	4.00	4.00
Part-time and casual employees	0.00	1.00	1.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	0.00	0.00
Students	0.00	0.00	0.00
<b>Total</b>	<b>0.00</b>	<b>5.00</b>	<b>5.00</b>