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Introduction

Purpose

The Access to Information Act (Revised Statutes of Canada, 1985, Chapter A-1) was proclaimed on July 1, 1983.

The Access to Information Act gives Canadian citizens and permanent residents a broad right of access to information contained in government records, subject to certain specific and limited exceptions.

Section 94 of the *Access to Information Act* requires that the head of every government institution prepare, for submission to Parliament, an annual report on the administration of the Act within the institution during each financial year.

Section 20 of the *Service Fees Act* requires a responsible authority to report annually to Parliament on the fees collected by institutions.

This annual report is tabled in Parliament pursuant to section 94 of the *Access to Information Act* and section 20 of the *Service Fees Act* and describes how Innovation, Science and Economic Development Canada (ISED) administered its responsibilities for the reporting period.

Institutional Mandate

ISED helps Canadian businesses grow, innovate, and expand so they can create good-quality jobs and wealth for Canadians. It also supports science research and the integration of scientific considerations into investment and policy choices. The Department helps small businesses grow through trade and innovation and promotes increased tourism in Canada. It also works to position Canada as a global centre for innovation where investments support clean and inclusive growth, the middle class prospers through more job opportunities, and companies become global leaders.

ISED's efforts focus on improving conditions for investment, supporting science, helping small and medium-sized businesses grow, building capacity for clean and sustainable technologies and processes, increasing Canada's share of global trade, promoting tourism, and building an efficient and competitive marketplace.

In 2022–2023, ISED supported four ministers:

- the Minister of Innovation, Science and Industry;
- the Minister of International Trade, Export Promotion, Small Business and Economic Development;
- the Minister of Tourism and Associate Minister of Finance; and
- the Minister of Rural Economic Development.

The Department also supported two deputy ministers and one associate deputy minister.

For more information on the Department's organizational mandate letter commitments, see the <u>ministers' mandate letters</u> section of the Prime Minister's website.

Organizational Structure

Access to Information and Privacy (ATIP) Services is part of the Office of the Corporate Secretary at ISED. The ATIP team has a complement of 21 employees, consisting of one director at the executive level, three managers, and 17 advisors at various levels, from team leader to junior officer, all of whom are dedicated to processing access to information (ATI) and privacy requests and performing related functions (e.g., proactive publication, policy, training, administration, and outreach). In 2022-23, five consultants were also engaged, for contracts of varying lengths, to help address backlogged policy and Access to Information case loads.

ATIP Services is responsible for the implementation and management of programs and services relating to the administration of the *Access to Information Act* and the *Privacy Act* for the Department. Specifically, ATIP Services makes decisions on the disposition of ATI and privacy requests; promotes awareness of the legislation to ensure departmental responsiveness to statutory obligations; monitors and advises on departmental compliance with the Acts, regulations, procedures, and policies; and represents ISED on ATIP matters when dealing with the Treasury Board of Canada Secretariat (TBS), the Office of the Information Commissioner of Canada, the Office of the Privacy Commissioner of Canada, the Privy Council Office, and other government institutions. ATIP Services is also responsible for consulting with other federal departments and third parties with respect to ATIP requests.

The Director of ATIP Services is responsible for the development, coordination, and implementation of effective policies, guidelines, and procedures to manage ISED's compliance with the Acts, including with proactive publication requirements, pursuant to part II of the *Access to Information Act*. The administration of the legislation within the Department is managed by ATIP Services, but is also facilitated at the sector, branch, and regional office levels. Each sector and corporate branch has an ATIP liaison officer (reporting to an assistant deputy minister, executive director, etc.) who coordinates activities and provides guidance on the administrative processes and procedures of the Acts. ATIP Services, which is located in Ottawa, responds to all formal requests submitted to the Department under both Acts.

Section 96 of the *Access to Information Act* permits institutions reporting to the same minister to enter into agreements with each other for the purpose of sharing ATIP resources and capacity. However, ISED currently has no such agreements in place.

Delegation of Authority

The ATIP Delegation Order in effect on the last day of this reporting period was approved on May 18, 2021. Pursuant to subsection 95(1) of the *Access to Information Act* and

subsection 73(1) of the *Privacy Act*, that delegation instrument provides full authority to the Deputy Minister and Corporate Secretary as well as to the ATIP Services Director and managers (see Annex B).

Performance

Responses Within Legislated Timelines

In 2022–2023, 1,280 access to information requests were brought to conclusion (52% more than the previous year's 844 closures). Of these, 729 were concluded within legislated timelines, resulting in on-time performance of 57% (6.5% lower than in 2021–2022, when ISED's on-time performance was 63.5%).

Factors Affecting Performance

- Completion of backlogged cases: In 2022-23, ISED completed 139 cases from its inventory of prior years' backlogged cases (an overall 9% reduction). The closing of cases that have already passed their respective legislated timelines has an immediate negative effect on on-time performance.
- Proactive Publication: ISED's ATIP Services published 933 briefing note titles and
 reference numbers, as required by the Access to Information Act's proactive publication
 provisions. In addition, ISED ministers appeared before various committees of
 Parliament on two occasions, the briefing materials for which required full disclosure.
 These efforts are in addition to other proactive publication reviews, such as those for
 Question Period cards, transition briefing materials, monthly disclosures of completed
 ATI requests, and departmental audit and evaluation reports. Proactive publication
 requirements continue to impact ATIP Services' human resources significantly.
- Parliamentary (Order Paper) Questions: Though not subject to ATIP legislation, the
 proposed responses to parliamentary questions are reviewed by ATIP employees prior
 to disclosure to ensure that the principles of the ATIP legislation are respected,
 specifically, to ensure there are no inadvertent disclosures of proprietary third-party
 business information, personal information, or other information that might compromise
 Canada's economy, security, or international affairs. ATIP employees analyzed
 proposed responses for 222 such questions this year.

Multi-Year Trends

ISED received a total of 1,141 new ATI requests in 2022–2023, compared to 1,206 new requests in 2021-2022. This represents an 6% decline, year-over-year. In addition, 1,493 incomplete requests were carried from the previous fiscal year into 2022-2023 (see the

table under the section, <u>Requests Outstanding and Carried-Forward</u>, that follows). This resulted in a total caseload in 2022-2023 of 2,634 requests (1,141 plus 1,493).

Of these 2,634 requests, 1,280 were closed during the 2022-2023 reporting period, and 1,354 were carried forward into 2023-2024. These 1,354 cases represent a 9% decrease from the 1,493 cases that were carried forward from 2021-2022.

Additionally, ISED managed 255 consultation requests from other Government of Canada institutions and other organizations (196 new during the reporting period and 59 that were carried over from the previous year). This represents an 18% decrease compared with last year's consultation case load of 312 requests. Of the current 255 consultation requests, 212 were closed (17% fewer than last year's 255 closures) and 43 were carried forward to 2023–2024.

The Department also received 1,763 informal requests for copies of previously released ATI requests, a 258% increase from last year's 492 informal requests.

Requests Outstanding and Carried-Forward

Requests Outstanding (Carried-in from 2021-22):

Fiscal Year Requests Were Received	Open Requests that were Within Legislated Timelines as at March 31, 2022	Open Requests that were <u>Beyond</u> Legislated Timelines as at March 31, 2022	Total
2021-2022	288	395	683
2020-2021	112	453	565
2019-2020	7	157	164
2018-2019	6	46	52
2017-2018	1	28	29
Total	414	1,079	1,493

Requests Carried-Forward (Carried-out to 2023-24):

Fiscal Year Requests Were Received	Open Requests that were <u>Within</u> Legislated Timelines as at March 31, 2023	Open Requests that were <u>Beyond</u> Legislated Timelines as at March 31, 2023	Total
2022-2023	205	260	465
2021-2022	72	345	417
2020-2021	32	276	308
2019-2020	5	95	100
2018-2019	4	38	42
2017-2018	0	22	22
Total	318	1,036	1,354

Complaints

Information on complaints is detailed under the section *Key Issues and Actions Taken on Complaints*, beginning at page 16 of this report.

Number of Pages Processed

The total volume of pages of information processed in 2022-23 was 147,563 pages, including:

- 130,305 pages from Access to Information requests; and
- 17,258 pages from Consultation requests

This represents a decrease of approximately 10% as compared to last year's total processed page count of 164,755.

Completion Times for Closed Requests

The 1,280 ATI requests closed by ISED during the reporting period were completed within the following timeframes:

- 89 within 1 to 15 days (7%)
- 181 within 16 to 30 days (14%)
- 222 within 31 to 60 days (17%)
- 167 within 61 to 120 days (13%)
- 93 within 121 to 180 days (7%)
- 107 within 181 to 365 days (8%)
- 421 more than 365 days (34%)

Disposition of Requests

The disposition of the 1,280 completed ATI requests is as follows:

- 150 were fully disclosed (12%)
- 777 were disclosed in part (61%)
- 103 had no existing records (8%)
- 192 were abandoned (15%)
- 21 were transferred (2%)
- 7 were all exempted (<1%)
- 29 were all excluded (2%)
- 1 neither confirmed nor denied (<1%)

Records were fully disclosed in 12% of cases, approximately half as often as the 21% of full-disclosure cases in 2021–2022, while 61% were disclosed in part, just over the 58% of partial

disclosure cases in the previous year. Records were fully exempted and excluded in <1% and 2% of requests, respectively, similar to 2021–2022.

Vexatious Requests

The June 21, 2019, changes to the *Access to Information Act*, brought about by the royal assent of Bill C-58, allow institutions to seek the approval of the Information Commissioner of Canada to refuse to act on vexatious requests (requests made frivolously, which are not reasonably purposeful and are filed solely to cause annoyance).

ISED received no vexatious requests in 2022–2023 and therefore had no cause to seek any authorizations for refusals to act from the Commissioner.

Limits to the Right of Access – Exemptions and Exclusions

Exemptions in accordance with sections 13 through 26 of the *Access to Information Act* were invoked by the Department as outlined in the Annual Statistical Report at Annex A. Several exempting provisions can be applied to withhold information in response to one request, and these are reported separately in the statistical report. However, the same exempting provision invoked to withhold information more than once within the same request is reported only once in the statistical report. The following are those most frequently used:

- section 19 (personal information): 160 uses
- section 20 (third-party information): 738 uses
- section 21 (advice to government): 1,300 uses

The Department has several statutory exempting provisions recognized under the *Access to Information Act*, pursuant to section 24. Such exemptions are most frequently applied to information relating to the *Competition Act* and the *Investment Canada Act*, and ISED invoked section 24 of the *Access to Information Act* on 19 occasions during the reporting period.

The Access to Information Act does not apply to published material, material available for purchase by the public (section 68 of the Act), or confidences of the Queen's Privy Council for Canada (Cabinet confidences) (section 69 of the Act). Annex A shows the frequency these exclusions were invoked, and include 12 occasions to exclude published material and 413 occasions to protect Cabinet confidentiality.

Sources of Requests

This year, the media and the public-at-large were the most frequent types of requesters, representing 60% of all new requests received in 2022–2023 (48% and 12%, respectively). The academic community, ranked third-place, with 11% of requests, and the business community—traditionally in second-place in prior years—ranked a distant fourth, with just 6% of requests. Requesters who declined to self-identify with a "requester type" remained at 22% (as in the previous year).

Organizations submitted the fewest requests, at five (less than 1% of the overall volume).

Extensions

In 2022-2023, ISED invoked extensions on ATI requests on 365 occasions for different reasons and lengths.

Consultations on suspected Cabinet confidences accounted for 55 of the extensions (15%); negotiating with or awaiting on approvals of third parties (including other Government of Canada institutions) accounted for 271 cases (74%); and, unreasonable interference with the operations of government was cited the remaining 39 extensions (11%).

The lengths of the extensions taken were as follows:

- 30 days or less, 59 cases (16%)
- 31 to 60 days, 134 cases (37%)
- 61 to 120 days, 151 cases (42%)
- 121 to 180 days, 20 cases (5%)
- 181 to 365 days, 1 case (<1%)

Topics and Formats of Information Requested

This year saw a major shift in trends for the most-requested topics of information. Requests pertaining to ISED funding programs ranked as the number one, most-requested subject, with 184 requests (16% of new cases). As in the previous year, telecommunications remained in the number two place, with 171 requests (15% of volume). For the first time, lobbying emerged in third place, with 98 requests (9% of volume). The remaining 688 requests, representing the final 60% of cases, pertained to a combination of other ISED business topics, such as contracts and expenses, intellectual property, competition, science, bankruptcy and insolvency, international relations, and the automotive and aerospace sectors. Business issues—ranking last year in second-place—fell to a distant ninth place this year, with just 32 requests (3% by volume).

For the first time since 2020, requests pertaining to COVID-19—including vaccines—failed to rank in the top-ten most-requested subjects.

The most requested format of information continues to be in the form of briefing notes. This year saw 698 requests for information in the form of briefing notes (representing 61% of new requests), down from 73% in the previous year.

Year	2022–23	2021–22	2020-21	2019–20	2018–19
Total New Requests	1,141	1,206	1,475	913	1,110
Requests for Briefing Notes	698 61%	886 73%	987 67%	475 52%	632 57%

Consultations Completed for Other Institutions

ISED managed a case load of 255 consultation requests from other departments and institutions, including 196 newly received during the year and 59 that were carried over from the previous year. Of the total case load of 255 cases, the Department completed 212 requests (17% fewer than the previous year's 255 completed requests) and carried forward 43 cases to the new year.

Of the 212 completed access consultations, ISED recommended disclosure, in full or in part, for 189 cases (89%), with exemptions or other actions being recommended for the remaining 23 cases (11%).

With respect to the processing times of consultations, 139 cases (66%) were completed within two months. A further 23 cases (11%) took up to four months to complete and 33 cases (15%) between four and 12 months to complete. Seventeen requests (8%) took longer than a full year to complete.

COVID-19 Impacts and Operational Measures

There were no impacts to ISED's ATIP Services operations this year resulting from COVID-19.

Annual Statistical Report

TBS prescribes requirements for annual statistical reports on the *Access to Information Act*, which must comprise part of the corresponding annual reports to Parliament. ISED's Annual Statistical Report on the *Access to Information Act* is enclosed with this report as Annex A.

Training and Awareness

Enhanced awareness and knowledge of ATIP obligations on the part of departmental officials has shown to improve the quality of responses and ISED's rate of compliance with legal obligations.

Throughout 2022–2023, ATIP Services delivered numerous training and awareness sessions to employees across the Department on both the *Access to Information Act* and the *Privacy Act* (and their requirements). In total, 25 training sessions relating to access to information and/or privacy were delivered to 671 employees, as follows:

 ATIP 101 at ISED: An overview of the legislation, associated timelines, and processes, as well as the role of the Department, the courts, and the Information and Privacy Commissioners of Canada, combined with a more in-depth look at the exempting and excluding provisions of the Access to Information Act, focusing on the top three such provisions used most frequently at ISED, and how to identify information pertaining to those provisions. This session is also offered in a modified format, on-demand, to focus solely on either the *Access to Information Act* or the *Privacy Act*.

- 18 sessions, 569 participants
- Personal Information Boot Camp: Comprehensive training focused solely on the
 Privacy Act and its related policy requirements, including the concept of 'informed
 consent,' privacy notice statements, privacy impact assessments, and privacy breach
 administration. This includes an in-depth look at the type and volume of personal
 information that exists within the Department and the requirements surrounding the
 collection and use of personal information in relation to ISED and other Government of
 Canada programs.
 - o 3 sessions, 50 participants
- **Speciality Training:** A number of on-demand training sessions were delivered in 2022-23, on a diverse range topics, including: PIAs; Privacy for Case Management Systems; ATIP Processing for ATIP Sector Liaison Officers; and Identifying Cabinet Confidences.
 - 4 sessions, 52 participants

Employee response to ATIP training has remained overwhelmingly positive. In 2022-2023, 87% of survey respondents indicated they would recommend the same training to another colleague, while 100% indicated their knowledge of ATIP improved moderately or substantially, by attending.

Policies, Guidelines, and Procedures

To improve the administration of the ATIP program and to ensure that TBS ATIP policies are respected and implemented, ATIP Services collaborates with both internal and external stakeholders on a continuous basis. In 2022-23, these collaborations included:

- Weekly all-staff meetings and semi-weekly management team meetings to discuss emerging and ongoing operational and policy issues;
- Ongoing collaboration with ISED stakeholders on the effective processing of ATIP requests; and
- Monthly teleconferences with the Office of Access to Information Commissioner, resulting in streamlined processes.

In addition, new policies, procedures and business practices were developed (or existing ones were updated) throughout the year, as enhancements, or to comply with various TBS directives and policies. These included:

- New service standards for the processing of Informal Requests;
- New guidance on the issue of "control of information";
- New procedures for disclosing information informally;
- Updated training decks to comply with TBS requirements;

- Updated policy on processing vexatious requests;
- New procedures for dealing with offences and punishment pursuant to paragraph 67 of the Access to Information Act;
- Formalization of ISED Proactive Publication Matrix;
- Compiled a new version of *Information About Programs and Information Holdings* (formerly InfoSource) for June, 2023 publication;
- · Developed and piloted new training for Callouts and Retrievals; and
- Numerous others, in relation to Privacy management.

ATIP Services also continues to enhance its intranet site—where all departmental employees can access plans, reports, acts, regulations, policies, directives, training decks, procedures, and checklists in one convenient place.

Proactive Publications

For the purpose of proactive publications (pursuant to part II of the *Access to Information Act*), ISED is considered a "government institution" (officially, the "Department of Industry") pursuant to schedule I of the *Financial Administration Act*.

At ISED, responsibilities for proactive publications have not been delegated to individuals outside the ATIP Services Branch, meaning that ATIP Services retains ultimate responsibility for ensuring compliance with proactive publication requirements, on behalf of the department, including those items for which proactive publication is facilitated by an area outside of ATIP Services.

The following table shows the proactive publication requirements that were incumbent on ISED during the reporting period (as denoted with an asterisk, after the Publication Requirement Title), the internet location at which each requirement has been published, the relevant provision of the *Access to Information Act* that compels the proactive publication of each item, and identification of the areas of the department responsible for facilitating the publications:

Publication Requirement Title and Publishing Location	Publication Requirement Access to Information Act Provision	Area of ISED Responsible For Facilitation
Ministerial mandate letters https://pm.gc.ca/en/mandate-letters	73	Office of the Prime Minister
Transition briefing books for new ministers and		Strategy and Innovation
deputy heads *(1)	74(a)	Policy Sector (Strategy,
https://ised-isde.canada.ca/site/transition-	88 (a)	Results and Research
materials-ised/en		Branch)
Titles and reference numbers of briefing notes		Office of the Corporate
received by offices of ministers and deputy heads	74(b)	Secretary – ATIP Services
*(12)	88(b)	(with department-wide input
https://search.open.canada.ca/briefing_titles/		from all sectors)

Question Period notes in use on the last Parliamentary sitting days in June and December *(2) https://search.open.canada.ca/qpnotes/	74(c)	Strategic Communications and Marketing Sector
Briefing materials used by ministers and deputy heads for appearances before committees of Parliament *(2) https://ised-isde.canada.ca/site/transparency/en/parliamentary-committee-briefing-materials	74(d) 88(c)	Office of the Corporate Secretary – Parliamentary Affairs
Travel expenses incurred by ministers, their advisors and their staff *(12) https://search.open.canada.ca/travel/	75	Corporate Management Sector (Financial Operations Directorate)
Hospitality expenses incurred by ministers, their advisors and their staff *(12) https://open.canada.ca/en/search/hospitalityq	76	Corporate Management Sector (Financial Operations Directorate)
Contracts over \$10,000 in value, incurred by ministers, their advisors and their staff *(4) https://search.open.canada.ca/contracts/	77	Corporate Management Sector (Financial Operations Directorate
Expenses incurred by ministers' offices *(1) https://open.canada.ca/en/expenditures-ministers-offices	78	Corporate Management Sector (Financial Operations Directorate
Travel expenses incurred by senior officials *(12) https://search.open.canada.ca/travel/	82	Corporate Management Sector (Financial Operations Directorate
Hospitality expenses incurred by senior officials *(12) https://open.canada.ca/en/search/hospitalityq	83	Corporate Management Sector (Financial Operations Directorate
Reports tabled in Parliament *(4) https://ised-isde.canada.ca/site/atip-services/en/references	84	Office of the Corporate Secretary – ATIP Services
Reclassifications of positions in the core Public Administration *(4) https://open.canada.ca/en/search/reclassification	85	Corporate Management Sector (Human Resources Branch)
Contracts over \$10,000 in value *(4) https://search.open.canada.ca/contracts/	86	Corporate Management Sector (Financial Operations Directorate
Grants and Contributions over \$25,000 in value *(4) https://search.open.canada.ca/grants/	87	Corporate Management Sector (Financial Operations Directorate

As the above table illustrates, every proactive publication requirement marked with an asterisk (*)—all, to the exclusion of ministerial mandate letters—was incumbent on ISED during the 2022-23 reporting period. The number appearing in parentheses, to the right of the asterisk, indicates the number of items relative to the requirement, that ISED was required to proactively publish during that time. Where multiple items apply, such as for contracts and travel expenses, the multiples are rolled-up into a monthly count (i.e., multiple contracts over \$10,000 in value, all occurring in the same quarter, represents one set of contracts). Some items in the above table are published at the rate of one batch per calendar month, others, one batch per fiscal quarter.

Of the 86 items ISED was required to proactively publish during the reporting period, 99% were published on-time (85 of 86 items). ISED neglected to publish one item by its due date

(representing 1% of total volume). However, the one non-compliant item has since been published.

Initiatives and Projects to Improve Access to Information

ISED became a member of the ATIP Community Development Office in 2022-23, to take advantage of centralized training and professional development programs, and to avail the department of the recruitment campaigns, learning and networking and partnership activities afforded by membership.

ISED also successfully migrated to the TBS' new ATIP Online Management Tools system during the reporting period, which contains new and improved functionalities making it easier for applicants to track the statuses of their requests, and to receive responses to their requests online.

Key Issues and Actions Taken on Complaints

Applicants have the right to register a complaint with the Office of the Information Commissioner of Canada regarding any matter relating to the processing of their requests, and several complaints can be linked to the same request.

ISED received 38 new complaint notices during the reporting period, as compared to 39 during 2021–2022, one less than in the previous year. These 38 complaints represent 3% of the total ATI requests received for this reporting period (and 3% of the total requests closed). The types of complaints received have been identified in the table below.

The Information Commissioner issued findings on 8 complaint investigation during the reporting period. Eighteen other complaints were either abandoned, resolved, or ceased to be investigated. The nature of these complaints, their findings, and other concluding reasons are summarized as follows:

Complaint type	Received	Completed	Findings
Refusal – exemptions	10	6	6 – Well founded
Refusal – general (i.e., missing information, inadequate search, no records, etc.)	3	2	1 – <u>Not</u> well founded 1 – Well founded
Delay	25	18	8 – Resolved9 – Ceased to investigate1 - Discontinued
Total	38	26	

Note: Some of the completed complaints include cases that were in progress during the last fiscal year and therefore do not all represent 2022-2023 complaints (see the table under: <u>Total Outstanding Complaint Inventory by Year Received</u>, that follows).

No audits relating to the administration of the *Access to Information Act* were conducted during the reporting period.

Total Outstanding Complaint Inventory by Year Received

Fiscal Year Complaints Were Received	Number of Outstanding Complaints
2022-2023	24
2021-2022	5
2020-2021	5
2019-2020	2
2018-2019	7
Total	43

Fees and Operating Costs

Access to Information Fees

The Service Fees Act 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 section 20 of the Service Fees Act.

Enabling authority: The Access to Information Act

Fee payable: A \$5 application fee is the only fee charged for an Access to

Information Request

Total revenue: \$2,370 (collected for 474 of the 1,141 new requests received)

Fees waived or refunded: \$3,335 (waived for 667 of the 1,141 new requests received) *

^{*}To help ensure that requests are more manageable in volume and deliver responses in a more timely fashion, ISED frequently separates large requests for voluminous information or those that touch upon multiple subjects (e.g., briefing notes) and waives the application fees in respect of those separated requests; hence, the reason for waiving 667 of the 1,141 application fees in 2022-23.

Operating Costs

The cost of delivering ISED's Access to Information program and services for 2022–2023 was \$2,256,283, based on salary costs and operating expenses, representing a 42% increase over last year's costs.

Salary costs for 2022–2023 totalled \$1,836,006, equating to 21.461 full-time employees (FTEs), including students, when averaged over the year, representing an increase of 3.146 FTEs over last year's 18.315.

Operating expenses for the year totalled \$419,227, representing an overall increase of 420% over last year's \$80,572. Of this increase, \$324,045 (77%) is attributed to multiple consultants that were engaged in 2022-23, to assist with backlogged policy and access to information cases, while the remaining \$95,182 (23%) is mainly attributable to new software licenses to support an increased number of FTEs and consultants, as well as to the related annual maintenance fees. Other expenses, including stationery, postage, and other administrative costs, such as the HTML-coding of information to meet proactive publishing requirements, rounded-out the balance of the 23% operating costs increase.

Monitoring Compliance

With respect to monitoring the processing time of requests, ATIP Services has a number of measures in place. ATIP Services has continued the following business practices:

- Managers regularly review and monitor the status of access requests using the ATIP case management system;
- Managers regularly review the status of consultation processes on access requests to ensure inter-institutional consultations are only conducted when required to properly exercise discretion, or where ISED intends to disclose information;
- Managers conduct weekly bilateral meetings with staff to review work plans and establish priorities; and
- Managers report weekly to the Director on requests to be closed as well as on-time compliance and issues delaying or otherwise affecting processing.

Further:

- ATIP Services has an escalation process to address delays in responses to taskings;
- ATIP Services management meets on a regular basis with representatives of the Office
 of the Information Commissioner to address outstanding complaints and learn new
 approaches that could increase compliance and avoid future complaints; and
- ATIP training sessions address and reinforce the importance of respecting the legislated 30-day timeline.

With respect to ensuring the right of public access to information contained in contracts and agreements, it is previously noted that requests pertaining to ISED funding programs (and the

related agreements) represented the single-highest topic requested during the reporting period, with 184 requests (16%, by volume). This alone, is evidence that the public right to access to this type of information is being well-facilitated by ISED. In addition, it is believed that ISED's forthcoming publication of its new *Information About Programs and Information Holdings* index, in June, 2023, will further facilitate the public right of access, by making ISED's programs and information holdings more discoverable.

With respect to the monitoring of Proactive Publications for accuracy and completeness, ISED's Proactive Publication Matrix details both the departmental area responsible for facilitating publication of each required item, as well as the names of the employees (and their areas) responsible for compiling, approving and publishing information. In most cases, information for proactive publication is prepared by an analyst, then approved by a Director or Director-General prior to being published.

Finally, the following new and updated procedures and policy guidance issued in 2022-23 pertain to issues of compliance:

- New guidance on the issue of "control of information";
- New procedures for conducting annual reviews of the most frequently requested topics
 of information, to determine the feasibility of making those types of information more
 readily available to the public;
- Updated training decks to comply with TBS requirements;
- New procedures for dealing with offences and punishment pursuant to paragraph 67 of the *Access to Information Act*; and
- Formalization of ISED Proactive Publication Matrix.

ANNEX A

Annual Statistical Report on the Access to Information Act

Name of institution: Innovation, Science and Economic Development Canada

Reporting period: 2022-04-01 to 2023-03-31

Section 1: Requests Under the Access to Information Act

1.1 Number of requests

		Number of Requests
Received during reporting period		1,141
Outstanding from previous reporting periods		1,493
Outstanding from previous reporting period	810	
Outstanding from more than one reporting period	683	
Total		2,634
Closed during reporting period		1,280
Carried over to next reporting period		1,354
Carried over within legislated timelines	318	
Carried over beyond legislated timelines	1,036	

1.2 Sources of requests

Sources	Number of Requests
Media	551
Academia	128
Business (private sector)	72
Organization	5
Public	139
Decline to Identify	246
Total	1,141

1.3 Channels of requests

Source	Number of Requests		
Online	1,033		
E-mail	104		
Mail	0		
In-person	0		
Telephone	0		
Facsimile	4		
Total	1,141		

Section 2: Informal Requests

2.1 Number of informal requests

		Number of Requests
Received during reporting period		1,763
Outstanding from previous reporting periods		65
 Outstanding from previous reporting period 	65	
Outstanding from more than one reporting period 0		
Total		1,828
Closed during reporting period		589
Carried over to next reporting period	•	1,239

2.2 Channels of informal requests

Source	Number of Requests
Online	333
E-mail	1,430
Mail	0
In-person	0
Telephone	0
Facsimile	0
Total	1,763

2.3 Completion time of informal requests

			Comple	etion Time			
1-15 Days	16-30 Days	31-60 Days	61-120 Days	121-180 Days	181-365 Days	+ 365 Days	Total
33	92	218	108	39	99	0	589

2.4 Pages released informally

100 P	Than Pages ased	100- Paç Rele	•	501- Pag Rele	ges	1001 Paç Rele	ges	+ 5 Paç Rele	ges
# of	Pages	# of	Pages	# of	Pages	# of	Pages	# of	Pages
Requests	Released	Requests	Released	Requests	Released	Requests	Released	Requests	Released
0	0	0	0	0	0	0	0	0	0

2.5 Pages re-released informally

	Than Pages eased		-500 ges eased	501-1000 Pages Re-released		Page		+ 5 Paç Re-rel	ges
# of	Pages	# of	Pages	# of	Pages	# of	Pages	# of	Pages
Requests	Released	Requests	Released	Requests	Released	Requests	Released	Requests	Released
533	7,158	46	9,099	3	2,187	7	25,921	0	0

Section 3: Applications to the Information Commissioner on Declining to Act on 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
Withdrawn during reporting period	0
Carried over to next reporting period	0

Section 4: Requests Closed During the Reporting Period

4.1 Disposition and completion time

Disposition	Completion Time							
of Requests	1-15 Days	16-30 Days	31-60 Days	61-120 Days	121-180 Days	181-365 Days	+ 365 Days	Total
All disclosed	9	48	31	29	3	8	22	150
Disclosed in part	37	80	136	124	74	88	238	777
All exempted	0	0	4	1	0	0	2	7
All excluded	0	1	1	3	12	8	4	29
No records exist	4	49	44	2	3	1	0	103
Request transferred	21	0	0	0	0	0	0	21
Request abandoned	18	3	6	8	1	2	154	192
Neither confirmed nor denied	0	0	0	0	0	0	1	1
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0
Total	89	181	222	167	93	107	421	1,280

4.2 Exemptions

Section	# of Requests	Section	# of Requests	Section	# of Requests	Section	# of Requests
13(1)(a)	20	16(1)(b)	2	16.5	0	20(1)(c)	354
13(1)(b)	3	16(1)(c)	7	16.6	0	20(1)(d)	15
13(1)(c)	25	16(1)(d)	0	17	0	20.1	0
13(1)(d)	1	16(2)	1	18(a)	7	20.2	0
13(1)(e)	0	16(2)(a)	1	18(b)	124	20.4	0
14	0	16(2)(b)	1	18(c)	0	21(1)(a)	584
14(a)	49	16(2)(c)	42	18(d)	0	21(1)(b)	679
14(b)	48	16(3)	1	18.1(1)(a)	0	21(1)(c)	20
15(1)	0	16.1(1)(a)	0	18.1(1)(b)	1	21(1)(d)	7
15(1) IA*	74	16.1(1)(b)	0	18.1(1)(c)	0	22	7
15(1) Def*	11	16.1(1)(c)	0	18.1(1)(d)	0	22.1(1)	2
15(1) SA*	15	16.1(1)(d)	0	19(1)	160	23	39
16/1\/a\/i\	0	16.2(1)	0	20(1)(a)	2	23.1	0
16(1)(a)(i)	0	16.3	0	20(1)(a)	_	Z3.1	0
16(1)(a)(ii)	5	16.4(1)(a)	0	20(1)(b)	366	24(1)	19
16(1)(a)(iii)	0	16.4(1)(b)	0	20(1)(b.1)	1	26	2

^{*} IA (International Affairs), Def (Defence of Canada), SA (Subversive Activities)

4.3 Exclusions

Section	# of Requests	Section	# of Requests	Section	# of Requests
68(a)	12	69(1)	0	69(1)(g) re (a)	115
68(b)	0	69(1)(a)	12	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	115
68.1	0	69(1)(c)	0	69(1)(g) re (d)	37
68.2(a)	0	69(1)(d)	14	69(1)(g) re (e)	77
60 2/b)	0	69(1)(e)	28	69(1)(g) re (f)	14
68.2(b)	0	69(1)(f)	1	69.1(1)	0

4.4 Format of information released

Paper		Other						
i apci	E-Record	-Record Data Set Video Audio						
2	924	0	1	0	0			

4.5 Complexity

4.5.1 Relevant pages processed and disclosed for <u>paper</u> and <u>e-record formats</u>

# of Pages Processed	# of Pages Disclosed	# of Requests
130,305	81,814	1,156

4.5.2 Relevant pages processed per request disposition for <u>paper</u> and <u>e-record</u> formats 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	
	# of Requests	Pages Processed	# of Requests	Pages Processed	# of Requests	Pages Processed	# of Requests	Pages Processed	# of Requests	Pages Processed	
All disclosed	138	1,861	8	1,990	1	570	1	1,735	2	25,453	
Disclosed in part	729	8,207	35	7,860	6	3,842	5	15,033	2	37,328	
All exempted	5	169	0	0	1	817	1	3,151	0	0	
All excluded	26	558	3	483	0	0	0	0	0	0	
Request Abandoned	159	1,595	24	6,086	6	3,950	2	3,787	1	5,830	
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	1,058	12,390	70	16,419	14	9,179	9	23,706	5	68,611	

4.5.3 Relevant minutes processed and disclosed for audio formats

# of Minutes Processed	# of Minutes Disclosed	# of Requests
0	0	0

4.5.4 Relevant minutes processed per request disposition for <u>audio</u> formats by size of requests

Disposition	Less than 60 Minutes Processed		60-120 Minutes Processed		+ 120 Minutes Processed	
Dioposition	# of Requests	Minutes Processed	# of Requests	Minutes Processed	# of Requests	Minutes Processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0
Total	0	0	0	0	0	0

4.5.5 Relevant minutes processed and disclosed for video formats

# of Minutes Processed	# of Minutes Disclosed	# of Requests
85	24	2

4.5.6 Relevant minutes processed per request disposition for $\underline{\text{video}}$ formats by size of requests

Disposition		han 60 Processed	60-120 Minutes Processed		+ 120 Minutes Processed	
Disposition	# of Requests	Minutes Processed	# of Requests	Minutes Processed	# of Requests	Minutes Processed
All disclosed	0	0	0	0	0	0
Disclosed in part	1	34	0	0	0	0
All exempted	1	51	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0
Total	2	85	0	0	0	0

4.5.7 Other complexities

Disposition	Consultation Required	Legal Advice Sought	Other	Total
All disclosed	29	0	2	31
Disclosed in part	149	144	0	293
All exempted	0	2	0	2
All excluded	1	23	0	24
Request Abandoned	51	8	0	59
Neither confirmed nor denied	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0
Total	230	177	2	409

4.6 Closed Requests

Number of requests closed within legislated timelines	729
Percentage of requests closed with legislated timelines	56.95%

4.7 Deemed refusals

4.7.1 Reasons for not meeting legislated timelines

Number of	Principal Reason					
requests closed past the legislated timelines	Interference with operations or workload	External Consultation	Internal Consultation	Other		
551	28	165	29	329		

4.7.2 Requests closed beyond legislated timelines (including any extensions 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	41	11	52
16 to 30	17	7	24
31 to 60	21	15	36
61 to 120	20	20	40
121 to 180	23	6	29
181 to 365	38	21	59
More than 365	169	142	311
Total	329	222	551

4.8 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 5: Extensions

5.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension	9(1)(a) Interference	9(1) Consu	9(1)(c) Third-Party	
Was Taken	With Operations or Workload	Section 69	Other	Notice
All disclosed	4	0	20	0
Disclosed in part	13	27	162	37
All exempted	4	0	2	0
All excluded	0	3	14	0
Request abandoned	16	25	21	14
No records exist	2	0	1	0
Declined to act with the approval of the Information Commissioner	0	0	0	0
Total	39	55	220	51

5.2 Length of extensions

Length of Extensions	9(1)(a) Interference	9(1) Consu	9(1)(c) Third-Party	
Longin or Extendions	With Operations or Workload	Section 69	Other	Notice
30 days or less	13	4	42	0
31 to 60 days	14	10	59	51
61 to 120 days	7	36	108	0
121 to 180 days	5	4	11	0
181 to 365 days	0	1	0	0
More than 365 days	0	0	0	0
Total	39	55	220	51

Section 6: Fees

	Fee Co	llected	ted Fee Waived		Fee Refunded	
Fee Type	# of Requests	Amount	# of Requests	Amount	# of Requests	Amount
Application	474	\$2,370	667	\$3,335	0	\$0
Other fees	0	\$0	0	\$0	0	\$0
Total	747	\$2,370	667	\$3,335	0	\$0

Section 7: Consultations Received From Other Institutions and Organizations

7.1 Consultations received from other Government of Canada institutions and other organizations

Consultations	Other Government of Canada Institutions	# of Pages to Review	Other Organizations	# of Pages to Review
Received during the reporting period	185	22,135	11	165
Outstanding from the previous reporting period	58	4,650	1	18
Total	243	26,785	12	183
Closed during the reporting period	204	17,101	8	157
Carried over within negotiated timelines	20	4,398	2	13
Carried over beyond negotiated timelines	19	5,286	2	13

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

Recommendations	Number of Days Required to Complete Consultation Requests								
	1-15 Days	16-30 Days	31-60 Days	61-120 Days	121-180 Days	181-365 Days	+ 365 Days	Total	
Disclose entirely	23	35	16	7	7	5	2	95	
Disclose in part	7	18	19	13	10	9	10	86	
Exempt entirely	0	1	0	0	0	0	0	1	
Exclude entirely	0	0	0	0	0	0	2	2	
Consult other institution	4	1	2	1	0	0	0	8	
Other	1	1	5	2	0	2	1	12	
Total	35	56	42	23	17	16	15	204	

7.3 Recommendations and completion time for consultations received from other organizations outside the Government of Canada

Recommendations	Number of Days Required to Complete Consultation Requests								
	1-15 Days	16-30 Days	31-60 Days	61-120 Days	121-180 Days	181-365 Days	+ 365 Days	Total	
Disclose entirely	1	2	1	0	0	0	1	5	
Disclose in part	1	1	0	0	0	0	1	3	
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	
Total	2	3	1	0	0	0	2	8	

Section 8: Completion Time of Consultations on Cabinet Confidence

8.1 Requests with Legal Services

Number of				101-500 501-1000 ges Processed Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed		
Days	# of Requests	Pages Disclosed	# of Requests	Pages Disclosed	# of Requests	Pages Disclosed	# of Requests	Pages Disclosed	# 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	11	133	0	0	0	0	0	0	0	0
61 to 120	25	136	4	76	0	0	0	0	0	0
121 to 180	44	356	5	45	0	0	0	0	0	0
181 to 365	44	454	1	3	0	0	0	0	0	0
More than 365	52	425	6	1,047	0	0	1	904	0	0
Total	176	1,504	16	1,171	0	0	1	904	0	0

8.2 Requests with Privy Council Office

Number of	Less Than 100 101-500 Pages Processed Pages Proces					1001-5000 Pages Processed		More Than 5000 Pages Processed		
Days	# of Requests	Pages Disclosed	# of Requests	Pages Disclosed	# of Requests	Pages Disclosed	# of Requests	Pages Disclosed	# 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	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Section 9: Investigations and Report of Finding

9.1 Investigations

Section 32 Notice of Intention to Investigate	Subsection 30(5) Ceased to Investigate	Section 35 Formal Representations
38	9	12

9.2 Investigations and Reports of Finding

Section 37(1) Initial Reports					
Received	Containing recommendations issued by the Information Commissioner	Containing orders issued by the Information Commissioner			
11	3	8			

Section 37(2) Final Reports				
Received	Containing recommendations issued by the Information Commissioner	Containing orders issued by the Information Commissioner		
25	4	9		

Section 10: Court Action

10.1 Court actions on complaints

		Section 41		
Complainant (1)	Institution (2)	Third Party (3)	Privacy Commissioner (4)	Total
0	0	0	0	0

10.2 Court actions on third party notifications under paragraph 28(1)(b)

Section 44
Under paragraph 28(1)(b)
0

Section 11: Resources Related to the Access to Information Act

11.1 Allocated costs

Expenditures	Amount	
Salaries	\$1,836,839	
Overtime	\$167	
Goods and Services		\$419,277
Professional services contracts	\$324,045	
Other	\$95,232	
Total		\$2,256,283

11.2 Human Resources

Resources	Person years dedicated to Access to Information activities
Full-time employees	20.398
Part-time and casual employees	0.253
Regional staff	0.000
Consultants and agency personnel	0.188
Students	0.810
Total	21.649

Annex B Delegation of ATIP Authority

Delegation in effect on the last day of 2022–2022

The Department of Industry

(To be known as Innovation, Science and Economic Development Canada)

Le ministère de l'Industrie

(Qui sera connu sous le nom d'Innovation, Sciences et Développement économique Canada)

Access to Information Act and Privacy Act Delegation Order

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

The Minister of Industry Canada, pursuant to section 95(1) of the *Access to Information Act* and section 73(1) of the *Privacy Act*, hereby delegates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers and functions of the Minister as the head of a government institution, under the section of the Acts set out in the schedule opposite each position. This Delegation Order supersedes all previous Delegation Orders

En vertu de l'article 95(1) de la Loi sur l'accès à l'information et l'article 73(1) de la Loi sur la protection des renseignements personnels, le Ministre d'Industrie Canada délègue aux titulaires des postes mentionnés à l'annexe ciaprès, ainsi qu'aux personnes occupant à titre intérimaire les-dits postes, les attributions dont il est, en qualité de responsable d'une institution fédérale, investie par les articles des lois mentionnées en regard de chaque poste. Le présent décret de délégation remplace et annule tout décret antérieur

Schedule / Annexe

Position / P	oste!
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Access to information Act and Regulations / Loi sur l'accès à l'information et règlements

Privacy Act and Regulations / Loi sur la protection des renseignements personnels et règlements

Deputy Minister / Sous ministre

Full authority / Autorité absolue

Full authority / Autorité absolue

Corporate Secretary / Secrétaire général

Full authority / Autorité absolue

Full authority / Autorité absolue

Director, Access to
Information and Privacy
(ATIP) Services /
Directeur (trice), Service
d'accès à l'information et
à la protection des
renseignements
personnels (AIPRP)

Full authority / Autorité absolue

Full authority / Autorité absolue

Manager, ATIP Services / Full authority / Autorité Gestionnaire, Services d'AIPRP

absolue

Full authority / Autorité absolue

And / et

Senior Advisor, ATIP Services / Conseiller (ère) principal(e), Services d'AIPRP

Section / Articles: 7, 8(1), 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25,

26, 27(1), 68, 69

Section / Articles: 8(1), 14, 15, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 69, 70

Dated, at the City of Ottawa, this 18th day of May, 2021

Daté, à la ville d'Ottawa, ce 18^e jour de mai, 2021

THE HONOURABLE FRANÇOIS-PHILIPPE CHAMPAGNE MINISTER OF INDUSTRY (To be known as Minister of INNOVATION, SCIENCE AND INDUSTRY)

L'HONORABLE FRANÇOIS-PHILIPPE CHAMPAGNE MINISTRE DE L'INDUSTRIE

(Identifié comme Ministre de l'INNOVATION, des SCIENCES

et de l'INDUSTRIE)