



# Costing Study of the Access to Information Regime

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# Costing Study of the Access to Information Regime

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Treasury Board of Canada Secretariat

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## Executive Summary

**Objective of the Study:** The Treasury Board of Canada Secretariat (“TBS”) has engaged EY to conduct a [costing study](#) (PDF, 1.7 MB) that estimates the overall costs to administer the *Access to Information Act*, including Part 1 (i.e., the Request Based System) and Part 2 (i.e., the Proactive Publication System).

While direct costs incurred by Access to Information and Privacy (“ATIP”) offices are collected by TBS, indirect costs incurred by Offices of Principle Interest (“OPIs”) involved in retrieving, reviewing, and approving Access to Information (“ATI”) request responses have not been collected since the elimination of search and preparation fees.

This study aims to bridge the information gap on the indirect costs. Key objectives of the costing study include:

- Development of a replicable costing methodology to capture overall costs associated with the Act, including a sampling methodology to identify a statistically

reliable set of government institutions;

- Stakeholder engagement through surveys consisting of qualitative and quantitative questions for the sampled institutions, as well as follow-up interviews; and,
- Deriving overall costs using survey results and the ATIP Statistical Report, including direct and indirect costs, of administering the Act.

While the objectives of this study have been met, as a first attempt in estimating the indirect costs, EY has noted several key learnings from the undertaking and provided recommendations for future studies.

**Key Findings:** For Part I of the Act, the Direct costs are \$5.2 per page while the Indirect costs are \$6.2 <sup>1</sup> per page. The estimated total cost per page is \$11.4 or the total cost to administer the ATI program is \$195 million.

- A total of 38 OPIs from nine institutions completed the Part 1 surveys. Relative to the total population size, this represents a statistical confidence level of 87% <sup>2</sup>.

On average, total cost of administering Part 2 of the Act was approximately \$64,000 <sup>3</sup> per OPI in FY 2020-21.

- A total of 15 OPIs from five institutions completed the Part 2 survey, representing a statistical confidence level of 84% given the population size. Analysis of the results indicated that the samples collected were able to capture all publication types.

# 1. Methodology

## ► In this section

### 1.1 Process Overview

A key objective of the costing study is to develop a methodology that is easily replicable for future studies. The flow chart below maps out the institutional process of administering the Act. Based on the process, a bottom-up approach is developed to estimate the total costs by collecting indirect cost information from each party involved in the process and is outlined in the following pages in this sub-section.

For Part 1 of the Act:

	<b>Information Requested</b>	<b>Information Retrieved</b>	<b>Information Reviewed</b>	<b>Information Approved</b>	<b>Information Released</b>
<b>Process Flow</b>	A request for information is sent to the ATIP Office (ATIPO) who routes it to OPIs to find and review all relevant records	OPIs search for and review all records that are relevant to the request and identify potential exemptions, exclusions, extensions	ATIPO reviews OPI response, conducts consultations (if needed), and applies exemptions/exclusions	ATIPO reviews response package for compliance (including consultation responses) and obtains final approvals for release	PO prepares final release package and sends the response to the original requester, noting any exemptions
<b>Roles &amp; Responsibilities</b>	ATIPO: analyst receives and reviews request, identifies and tasks OPIs  OPI: subject matter expert receives request from ATIP office	OPI: specialist conducts search and retrieval, recommends redactions; senior official provides approvals	ATIPO: analyst reviews OPI response and applies redactions; senior official provides approval if extension needed	ATIPO: senior official conducts quality review and approves response; analyst makes corrections (if needed)	ATIPO: analyst prepares final response and documentation on response process for tracking purposes
<b>Key Stakeholder Information</b>	Number of hours spent on: initial request review; identification of OPIs  Associated wages by role  Non-wage expenses	Number of hours spent on: search and retrieval; redactions; approvals  Associated wages by role  Non-wage expenses	Number of hours spent on: application of redactions; consultations  Associated wages by role  Non-wage expenses	Number of hours spent on: quality review; revisions to response  Associated wages by role  Non-wage expenses	Number of hours spent on: communications; process documentation  Associated wages by role  Non-wage expenses

For Part 2 of the Act:

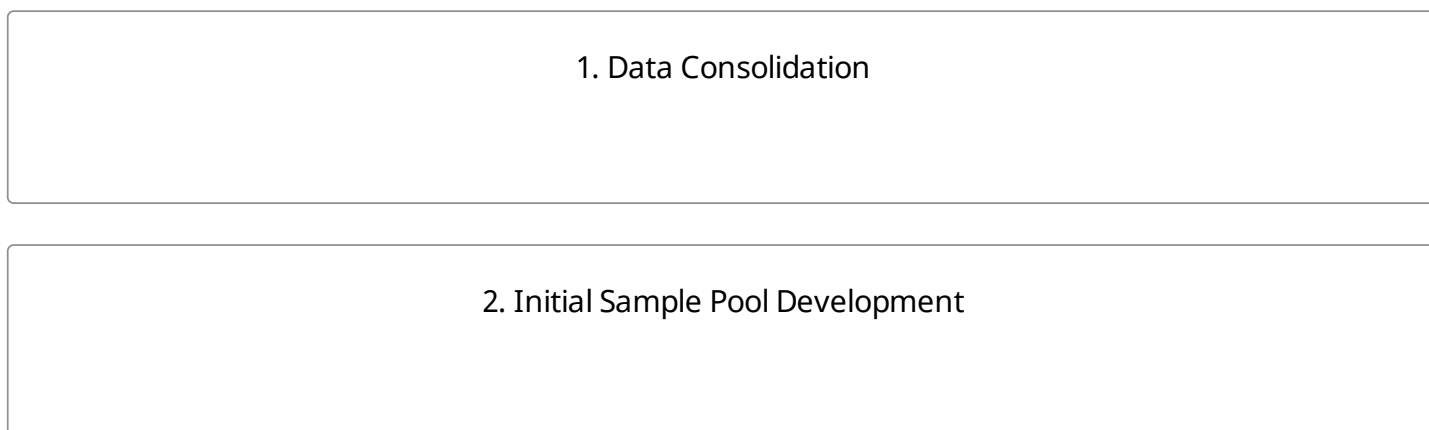
<b>Briefing Materials Development</b>	<b>Pre-Publication Review</b>	<b>Translation</b>	<b>Approval</b>	<b>Web Coding</b>	<b>Online Publication</b>
Consolidating publication content from source of material	Identifying information that may be subject to valid exceptions to publication, consulting with key stakeholders	Sending publication content to translation services	Submitting content for final review and approval by senior official responsible for publication	Sending approved content for web posting that meet accessibility requirements	Publishing content in accordance with legislative requirements and time limits

## 1.2 Approach to Analysis:

EY’s methodology consists of three main components: a sampling framework that enables objective selection of statistically representative government institutions through data analysis and coordination with TBS; a primary data collection approach to capture quantitative and qualitative insights through surveys and follow-up interviews; and estimation and extrapolation of overall program costs using sample data collected from government institutions. The following sections provide an overview of EY’s methodology.

### Sampling Approach:

EY’s approach to identifying a sample of government institutions for the costing study followed a structured process. The flow chart below illustrates a high-level framework for the sampling approach:



3. Qualitative Assessment

4. Final Sample Identification

TBS Inputs

### **Step 1: Data Consolidation**

To determine the sample, EY leveraged data collected for the FY2020-21 edition of the ATIP Statistical Report. The dataset includes responses from a total of 182 institutions and provides a wide range of information regarding each institution's processes for handling requests under the *Access to Information Act*. Where possible, EY consolidated information from related categories to streamline the sampling analysis.

### **Step 2: Initial Sample Pool Development**

The full set of 182 government institutions from the Statistical Report data set was reduced to an initial pool of sample candidates by first ranking each institution according to the following criteria, each of which represents a different potential cost category associated with administering the Act:

- Requests Received
- Pages processed
- Legal Advice Sought
- Consultations
- Exemptions <sup>4</sup>
- Exclusions <sup>5</sup>

The top 40 institutions were separately identified for each ranking. In each case, these institutions and their associated OPIs, while different in scale, represented a statistically reliable sample of the total FY2020-21 activity associated with the criteria. The top 40 lists included a total of:

- 99% of total requests received
- 98% of total pages processed
- 97% of instances where legal advice was sought
- 93% of consultations
- 99% of relevant exemptions applied
- >99% of relevant exclusions applied

Next, institutions were ordered by the number of appearances they made across all top 40 rankings. Institutions that appeared in over 50% of rankings were included in the initial sample pool.

### **Step 3: Qualitative Assessment**

Following selection of the initial sample pool, EY conducted a detailed review of the Statistical Report responses for each candidate institution. Institutions that consistently ranked near the top of listings from Step 2, such as National Defence and the Canada Border Services Agency, were prioritized for inclusion in the final sample. Additionally, institutions that accounted for a significant share of request volume and pages processed measures were also prioritized, including Immigration, Refugees and Citizenship Canada; the Canada Revenue Agency; and the Royal Canadian Mounted Police.

Institutions were also qualitatively assessed for their alignment with the proposed methodology for the costing study. For example, consideration was given to including institutions that handle requests with a range of completion times so that indirect cost estimates would more closely reflect the efforts of typical institutions.

Lastly, among the initial sample, institutions recommended by TBS were strongly considered in the selection process. In particular, institutions that volunteered to participate in the costing study were prioritized to ensure that stakeholder outreach activities received strong engagement.

### **Step 4: Final Sample Identification**

Based on the insights gained through Stage 3, EY identified the final sample of 15 institutions. Following feedback from TBS, five alternate institutions were selected as potential replacements in the event that one or more of the institutions from the final



sample were unable to participate in the costing study. The full list of institutions is provided in Appendix A.2.

## **Data Collection and Analysis**

To estimate the overall costs to administer the Act, wage and non-wage expenses associated with processing ATI requests, ATI consultation requests and complying with proactive publication requirements were collected from the OPIs. A weighted average of indirect costs incurred by all participating institutions was developed by factoring in the total number of pages processed (by each institution) and the relative frequency of receiving requests at each complexity level. The steps taken by EY to collect the data and information and estimate the indirect costs are described below.

### **Step 1: Defining complexity levels**

- Recognizing the broad range of ATI requests received by OPIs, EY developed three complexity levels to categorize requests, based on the ATIP Statistical Report and information provided by TBS. The complexity levels were intended to add nuance to the data by sampling a variety of requests which may show different levels of work required from OPIs.
- Factors that define the complexity included page volume, disposition, and whether consultations with legal services or third parties were required. Similar levels for ATI Consultation requests were also developed. Definitions of the three complexity levels are provided in Appendix A.1.

### **Step 2: Identifying OPIs and sample requests**

- Three surveys, covering the ATI requests, ATI consultation requests and proactive publications, were designed and distributed to the ATIP offices that were identified in the sampling stage. For ATI requests and ATI consultation requests, ATIP offices were requested to identify the OPIs who receive the most requests. For proactive publications, ATIP offices were requested to identify the OPIs who lead the publication process for each publication requirement<sup>6</sup>.
- ATIP offices were also asked to provide a sample of requests for each complexity level over the assessment period (i.e., FY2020-21). The sample requests were intended to help OPIs recall the level of effort involved in responding to the requests. As well, the relative frequency of ATI requests processed for each

complexity level were collected from ATIP offices, which were used to provide a complexity-adjusted cost estimate.

### **Stage 3: Collecting wage and non-wage costs**

- Total wage and non-wage expenses were collected from OPIs identified in Step 2. Wage expenses were estimated by OPIs based on the time spent for each task and associated salaries for each role involved. Non-wage expenses included, for example, costs arising from software licences and material.

### **Stage 4: Data analysis and cost estimation**

- Raw data collected from OPIs was cleaned and prepared for analysis. Indirect costs per page processed were estimated by complexity level using the number of pages in the sample request. A composite measure was calculated for each institution through a weighted average of indirect costs per page by complexity level based on relative processing frequency. A single composite measure was determined by averaging across all sampled institutions

## **2. Key Findings**

### **► In this section**

### **2.1 Findings**

Part 1 of the Act:

- A total of 38 OPIs from nine ATIP offices completed the surveys for ATI requests and ATI consultation requests. Relative to the total population size, this represents a statistical confidence level of 87% <sup>7</sup>.
- In aggregate, after accounting for the variation in request complexity, the average indirect cost was approximately \$6.2 <sup>8</sup> per page in FY2020-21.
- As expected, the average indirect cost per page processed at each complexity level has shown considerable cross-institution variation. Further investigation suggests the differences were primarily driven by the number of employees and the type of roles involved in processing each request. Wage expenses made up nearly 99% of total indirect costs.

## Overall Cost to Administer Part 1 of the Act:

- The direct cost to administer the ATI program will be \$89.7 million. The total direct cost of pages processed by all institutions is \$17.1 million which leads to the total cost per page being \$5.2. The estimated indirect cost per page is \$6.2.
- The estimated total cost per page is \$11.4 or the estimated overall cost to administer the Part I of the Act is 195 million.

## Part 2 of the Act:

- A total of 15 OPIs from five ATIP offices completed the survey for proactive publication, representing a statistical confidence level of 84% <sup>9</sup> given the population size.
- Analysis of the results indicated that the samples collected were able to capture all publication types. On average, total cost of administering Part 2 of the Act was approximately \$64,000 for an OPI in FY 2020-21. Similar to administering Part 1 of the Act, wage expenses made up nearly all of the total cost (99%).

## 2.2 Qualitative Insights

To better understand the nuances of the institutional processes and key factors impacting efficiency and indirect cost, follow-up interviews were conducted with six OPIs.

### Cost

- Request complexity and clarity were repeatedly cited as two main factors impacting total expenses at the OPI level.
  - Requests that were complex, broad or lengthy required longer time to review, retrieve records and seek approvals. It was also more likely that complex requests would require consultation with third parties, resulting in additional costs.
  - When requests lacked clarity, OPIs needed to seek clarification from the ATIP offices. This situation often arose when the requests were technical in nature. One OPI noted in the interview that there were instances where requests needed to be sent back to the ATIP office as it was not the most appropriate OPI to respond to the request.

## Efficiency

While only a small sample of OPIs across participating institutions were interviewed, there were several recurring themes that are worth highlighting, some of which may partly explain the inefficiency experienced at the OPI level.

- It was noted that high employee turnover and the resulting high workload has been an ongoing trend at the ATIP office level. In some circumstances, it has led to inconsistent interpretation of the legislation by ATIP office staff, and consequently inconsistent instructions to the OPIs. This has resulted in rework or additional time spent on retrieving records.
- Another challenge caused by resource constraints at the ATIP office level was a longer turnaround time for some inquiries from OPIs. Several OPIs indicated that difficulty obtaining timely responses to clarification requests was one of the factors impeding efficiency. It should be recognized, however, OPIs noted that this has rarely led to longer sit time on an aggregate level given the volume of requests they typically receive.

## 2.3 Learning and Recommendations

Throughout the study, EY has received valuable feedback from study participants and TBS. EY's key learnings centred around the inherent limitation of conducting a retrospective survey, the challenges resulting from data availability and the scope of the study. These learnings along with recommendations are provided below for future studies.

**Learning 1:** Some of the data points being collected were not tracked by survey respondents since the elimination of search and preparation fees. Several OPIs have indicated difficulty estimating the time spent on the sample requests provided by their ATIP offices and were only able to provide best estimates. Furthermore, respondents added that employee attrition intensified the challenges in cases where the person who responsible for the search and retrieval had left the organization.

- Recommendation: For future studies, adopt a "proactive" approach, with select OPIs being tasked to track the time and resources spent on requests of each complexity level over a set period of time. In fact, throughout EY's discussions with OPIs, several indicated willingness to participate in a future study of this kind.

**Learning 2:** Institutions for the Proactive Publication System were sampled using the same framework adopted in selecting institutions for Part 1 of the Act. Among the OPIs that completed the survey, a wide interval of cost estimates was observed, ranging from ~\$1,000 to over \$300,000. Due to this significant variation, EY was not able to produce a statistically representative per-page cost estimate. Follow-up interviews with OPIs uncovered that the variation was primarily driven by the nature of the publication and OPI's responsibility areas. As an example, one OPI at Health Canada incurred costs of over \$300,000 in producing proactive publication documents in FY2020-21, which was primarily due to a spike in publications related to COVID-19. Furthermore, it should be recognized that the data and information presented in the ATIP Statistical Report are not sufficient to develop a robust sampling approach in estimating the per-page cost of the Proactive Publication System. The Statistical Report, for example, does not break down the number of pages processed by each part of the Act (i.e., Part 1 vs. Part 2).

- Recommendation: To close the data gap and develop a more robust sampling approach, collect data from the top 40 institutions on the total number of pages processed on an annual basis to support proactive publication, as well as their observations in terms of year-by-year variation due to special circumstances (e.g., COVID-19).

**Learning 3:** Communication assessment, which was out of the scope in the current study, represents an area requiring considerable time and resources for OPIs who are responsible for communication and public affairs. Several OPIs noted that considerable time and resources were spent on preparing material for executive and management briefings as a result of the communication assessment, ranging from 4 to 8 hours every week. Similarly, costs related to legal services were not captured by the current study.

- Recommendation: Include costs associated with communication assessment and legal services in future studies.

## Appendix

### ► In this section

#### A.1 Definitions

##### Direct and Indirect Costs

- Direct costs include the operational costs incurred by ATIP offices administering the Act. Examples of direct costs include wages and salaries; overtime payments; contracts; costs of materials and supplies; and other institution-specific expenses. Statistics relating to direct costs are collected by TBS and are published in the Access to Information and Privacy Statistical Report on an annual basis.
- Indirect costs include the operational costs incurred by OPIs involved in retrieving, reviewing, and approving ATI request responses to administer Part 1 of the Act, as well as the costs incurred by the OPIs in preparing documents for publication to administer Part 2 of the Act.

## **Request Complexity**

### Level 1 (Low Complexity)

- Approximately 100 or fewer pages processed
- Request disposition is typically “all disclosed”, “all exempted” or “all excluded”; one or two exemptions applied and / or exclusions invoked
- One OPI may provide records; little to no consultations
- No extension usually required

### Level 2 (Moderate Complexity)

- Approximately 100-500 pages processed
- Request disposition is typically “disclosed in part”; exemptions applied and / or exclusions invoked
- More than one OPI may provide records; limited consultations
- Extension may be required

### Level 3 (High Complexity)

- Approximately 500 or more pages processed
- Request disposition is typically “disclosed in part”; many different exemptions applied and / or exclusions invoked
- More than one OPI may provide records; several consultations (other government institutions, third parties, legal advice sought)
- Extension likely required

## **A.2 Participating Institutions**

Institutions that participated in the study:

- Immigration, Refugees and Citizenship Canada
- Canada Border Services Agency
- Royal Canadian Mounted Police

- National Defence
- Public Service and Procurement Canada
- Canadian Food Inspection Agency
- Health Canada
- Global Affairs Canada
- Privy Council Office

Other institutions that were originally included in the sample of participating institutions:

- Canada Revenue Agency
- Employment and Social Development Canada
- Transport Canada
- Environment and Climate Change Canada
- Department of Justice Canada
- Treasury Board of Canada Secretariat

Alternate institutions:

- Correctional Services Canada
- Department of Finance Canada
- Fisheries and Oceans Canada
- Innovation, Science and Economic Development Canada
- Public Safety Canada

Part 1 Survey Participants:

- Canada Border Services Agency
- Public Services and Procurement Canada
- Global Affairs Canada
- Immigration, Refugees and Citizenship Canada
- Royal Canadian Mounted Police
- Canadian Food Inspection Agency
- Privy Council Office
- Health Canada
- National Defence

Part 2 Survey Participants:

- National Defence

- Health Canada
- Public Services and Procurement Canada
- Canadian Border Services Agency
- Global Affairs Canada

### **A.3 Proactive Publication Requirements**

As per the *Access to Information Act*, the following information must be proactively published:

- Memoranda – titles and tracking numbers of memoranda received by minister and deputy heads
- Briefing packages prepared for new or incoming ministers and deputy heads (Transition Binders)
- Briefing packages for parliamentary committee appearances for ministers, deputy heads
- QP Notes – Question Period notes in use on the last sitting day in June and December
- Tabled Reports – Reports tabled in Parliament pursuant to a statutory requirement
- Ministers’ offices expenses - Annual report of all expenses incurred by a minister’s office
- Travel and Hospitality - Expenses related to travel and hospitality: ministers’ offices, senior officials
- Contracts sections - Contracts over \$10,000, amendments that increase the value of contracts to over \$10,000, and amendments over \$10,000: ministers’ offices, institutions
- Grants and Contributions - Grants or contributions over \$25,000, and any amendments
- Reclassification of Positions - All reclassification

#### **Disclaimer:**

Ernst & Young LLP (“EY”) was engaged by the Treasury Board of Canada Secretariat (“TBS”) to conduct a costing study that estimates the overall costs to administer the *Access to Information Act*. In preparing this document (“Status Update”), EY relied upon unaudited data and information from third party sources, survey and interviews



(collectively, the “Supporting Information”). EY reserves the right to revise any analyses, observations or comments referred to in this Status Update if additional Supporting Information becomes available to us subsequent to the release of this Status Update. EY has assumed the Supporting Information to be accurate, complete and appropriate for the purposes of the Status Update. EY did not audit or independently verify the accuracy or completeness of the Supporting Information. Accordingly, EY expresses no opinion or other forms of assurance in respect of the Supporting Information and does not accept any responsibility for errors or omissions, or any loss or damage as a result of any persons relying on this Status Update for any purpose other than that for which it has been prepared.

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## Footnotes

- 1 As cost estimates provided by OPIs have shown considerable variation, a confidence interval was constructed to provide the upper and lower limit around the sample mean. A 95% confidence interval for the indirect costs per page was \$5.4-6.9, meaning we can be 95% confident that the population mean (i.e., the average indirect cost per page among all 180+ institutions) is between \$5.4-6.9.
- 2 Indicates EY’s level of confidence about the results being statistically representative given the number of participating OPIs.
- 3 A 95% confidence interval for the indirect costs per OPI was \$37,400-\$90,600.
- 4 Includes rankings for Sections 13, 15, 16, 17, 18, 20(1), 21, 23.
- 5 Includes rankings for Section 69(1).
- 6 A full list of publication requirements is included in Appendix A.3.
- 7 Indicates EY’s level of confidence about the results being statistically representative given the number of participating OPIs.

8 As cost estimates provided by OPIs have shown considerable variation, a confidence interval was constructed to provide the upper and lower limit around the sample mean. A 95% confidence interval for the indirect costs per page was \$5.4-6.9, meaning we can be 95% confident that the population mean (i.e., the average indirect cost per page among all 180+ institutions) is between \$5.4-6.9.

9 A 95% confidence interval for the indirect costs per OPI was \$37,400-\$90,600.

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