

# ***Access to Information Act*** **Annual Report 2018-2019**



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## 1. Access to Information Act - Annual Report 2018-2019

### 1.1 Introduction

The *Access to Information Act* (the *ATI Act*) gives Canadian citizens, permanent residents and all individuals and corporations present in Canada the right of access to records under the control of a government institution, subject to the payment of the applicable fees and the exemption and exclusion provisions contained in the *Act*. The *ATI Act* complements, but does not replace, other means of obtaining government information.

Windsor-Detroit Bridge Authority (WDBA) is pleased to present Parliament with its annual report on the administration of the *ATI Act* in accordance with section 72 of the *Act*. This report summarizes WDBA activities for Fiscal Year April 1, 2018, to March 31, 2019.

### 1.2 Organizational Structure

WDBA is led by a Chief Executive Officer (CEO) and governed by a board of directors who are responsible for overseeing the business activities and other affairs of WDBA. All Directors are approved by the Government of Canada with the Chair and CEO holding office for five years and the directors holding office for up to four years. WDBA is located in Windsor, Ontario.

The powers, duties and functions of the administration of the *Access to Information Act* have been fully delegated by WDBA's CEO to WDBA's Vice President, Communications and Stakeholder Relations who also serves as the organization's ATIP Coordinator. A copy of WDBA's Delegation Order is provided in Appendix A.

WDBA's ATIP requirements are managed through the ATIP Coordinator and supported by an ATIP Analyst/Records Administrator. Additional ATIP resources are also contracted as needed.

### 1.3 Delegation Order

See Appendix A.



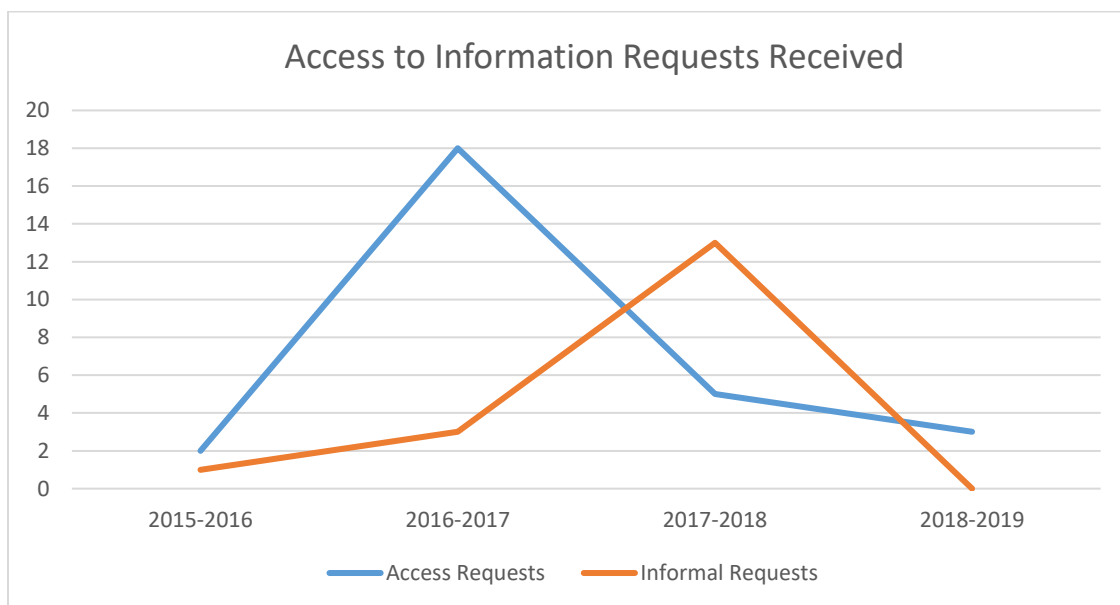
## 1.4 Highlights of the Statistical Report, 2018-2019

### Access Requests

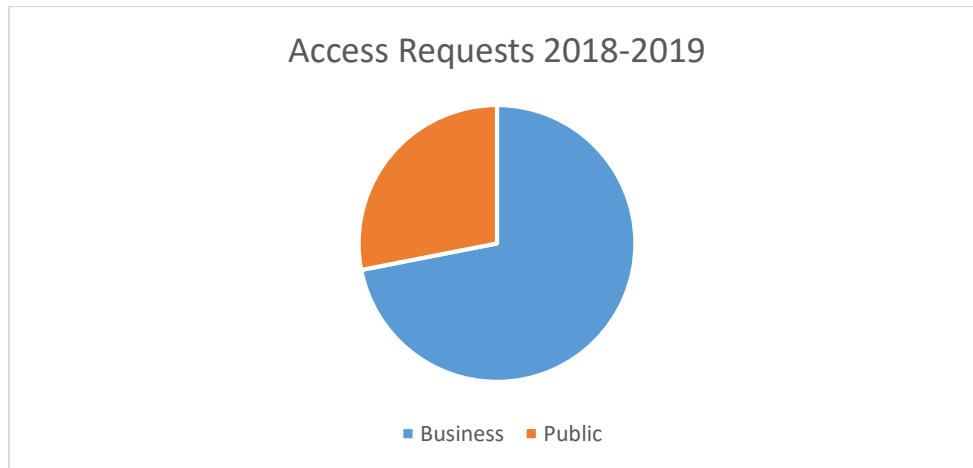
During Fiscal Year 2018-2019, WDBA received a total of three formal access to information requests. There were not any informal requests for information received during the reporting period. Three access requests were carried over from the previous reporting period 2017-2018. There was a total of six active requests in 2018-2019.

WDBA experienced an increase in the number of access to information requests it received and a decrease in the number of informal requests for information this year. Overall, WDBA received less requests during 2018-2019 than previous fiscal years of operation.

The chart below identifies the number of requests received by WDBA during the 2018-2019 reporting period.



The chart below identifies the source of requests received by WDBA during the 2018-2019 reporting period.



### Extensions

In accordance with section 9(1) of the *ATI Act*, requests may be extended beyond the 30-day time limit if the request is for a large number of records and meeting the original timeframe would unreasonably interfere with operations, consultations are necessary, or notice of the request is given to a third party.

During this reporting period, WDBA sought extensions for three requests due to interference with operations and required consultations. Notice was provided to the Information Commissioner in instances where WDBA extended the time limit more than thirty days. In 2018-2019 WDBA had three access requests where an extension was taken.

### Consultations Received From Other Institutions and Organizations

WDBA received two consultations from other institutions. The number of consultations received and closed during the reporting period has decreased from previous years.

### Completed Requests

In Fiscal Year 2018-2019, WDBA has been unable to complete any of the newly received or carried over access requests. This is due to a staff change over in which the ATIP Analyst's position was vacant for a period of six months. Therefore, all six requests have been carried over to the 2019-2020 reporting period.



Requests Under the <i>Access to Information Act</i>	
Number of requests (2018-2019)	
Type	Number of Requests
Received during reporting period	3
Outstanding from previous reporting period	3
<b>Total</b>	<b>6</b>
Closed during reporting period	0
Carried over to next reporting period	6

WDBA's 2018-2019 statistical report on the *Access to Information Act* is provided in Appendix B.

## 1.5 Training and Awareness

During Fiscal Year 2018-2019, WDBA promoted ATIP awareness throughout the organization by providing mandatory training sessions for employees held in March of 2018 and May of 2019. A third party ATIP Consultant delivered three-hour training sessions to staff who had not attended a previous training session within the last twelve months. The training course was also offered as an optional for staff if they had attended a session within the last 12 months.

The content of the training sessions included a high level review of *ATI Act* legislation, WDBA processes, exemptions, personal information and complaints. Other topics covered included the treatment of records, privacy principles and privacy breaches. In the most recent training sessions, a total of 61 employees participated.

An ATIP briefing is incorporated into the orientation process for new WDBA hires. Each new employee received this one-hour training session within one week following their position's start date to provide a high-level overview of *ATI Act* requirements. The mandatory training sessions then followed this briefing based on relevant start dates.

During Right to Know Week, WDBA promoted Access to Information and Privacy internally. Communications were disseminated to employees that highlighted the roles and responsibilities of Access to Information and Privacy staff members. The messaging emphasized the work undertaken to completed requests for information and acted as a reminder that anyone seeking advice on interpreting the legislation could approach either the ATIP Coordinator or ATIP Analyst.



## 1.6 Policies, Guidelines, Procedures and Initiatives

During the 2018-2019 reporting period, WDBA undertook various initiatives to comply with the intent behind proposed Bill C-58. WDBA initiatives undertaken during this period included:

- Various Crown Corporation conventions were attended by both the ATIP Coordinator and Analyst in Ottawa to discuss the implications of Bill C-58.
- Information for web posting has been organized with the department of Finance to ensure that practices are established upon the passing of the Bill.

## 1.7 Summary of Key Issues and Actions Taken on Complaints and Audits

No complaints were made against WDBA under the *ATI Act* during Fiscal Year 2018-2019, and no investigations were conducted at WDBA by the Office of the Information Commissioner. There are no court actions to report in relation to the *Access to Information Act*.

## 1.8 Monitoring Compliance

WDBA's timeliness and compliance are monitored through internal tracking procedures. WDBA has now procured the Access Pro Case Management software to ensure documentation tracking has become more efficient. In addition, the status of each current access request is reported to the ATIP Coordinator on a weekly basis and to senior management on a monthly basis.





## Appendix A: Signed Delegation Order

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### Delegation of Authority Access to Information Act And Privacy Act

I, the undersigned André Juneau, pursuant to Section 73 of the Access to Information Act and Section 73 of the Privacy Act, hereby authorize those officers and employees of the Windsor-Detroit Bridge Authority occupying the positions identified within the attached schedules to exercise signing authorities or perform any of the CEO's powers, duties or functions specified therein.

Dated at Windsor, ON on the 9<sup>th</sup> day of April, 2018.



(Interim) Chief Executive Officer





Delegation of Authority Under the Access to Information Act						
Provision	Task/Function	Position / Title				
		VP, Communications & Stakeholder Relations	ATIP Officer	Program Directors	All	N/A
4(2.1)	Responsibility of government institutions	X				
7(a)	Notice when access requested	X				
7(b)	Giving access to record	X				
8(1)	Transfer of request to another government institution	X				
9	Extension of time limits	X				
11(2), (3), (4), (5), (6)	Additional fees	X				
12(2)(b)	Language of access	X				



Delegation of Authority Under the Access to Information Act						
Provision	Task/Function	Position / Title				
		VP, Communications & Stakeholder Relations	ATIP Officer	Program Directors	All	N/A
12(3)(b)	Access in an alternative format	X				
13	Exemption - Information obtained in confidence	X				
14	Exemption - Federal-provincial affairs	X				
15	Exemption - International affairs and defense	X				
16	Exemption - Law enforcement and investigations	X				
16.5	Exemption - <i>Public Servants Disclosure Protection Act</i>	X				



Delegation of Authority Under the Access to Information Act						
Provision	Task/Function	Position / Title				
		VP, Communications & Stakeholder Relations	ATIP Officer	Program Directors	All	N/A
17	Exemption - Safety of individuals	X				
18	Exemption - Economic interests of Canada	X				
18.1	Exemption - Economic interest of the Canada Post Corporation, Export Development Canada, the Public Sector Pension Investment Board and VIA Rail Canada Inc.					X
19	Exemption - Personal information	X				
20	Exemption - Third-party information	X				



Delegation of Authority Under the Access to Information Act						
Provision	Task/Function	Position / Title				
		VP, Communications & Stakeholder Relations	ATIP Officer	Program Directors	All	N/A
21	Exemption - Operations of Government	X				
22	Exemption - Testing procedures, tests and audits	X				
22.1	Exemption - Audit working papers and draft audit reports	X				
23	Exemption - Solicitor-client privilege	X				
24	Exemption - Statutory prohibitions	X				
25	Severability	X				
26	Exception - Information to be published	X				



Delegation of Authority Under the Access to Information Act						
Provision	Task/Function	Position / Title				
		VP, Communications & Stakeholder Relations	ATIP Officer	Program Directors	All	N/A
27(1), (4)	Third-party notification	X				
28(1)(b), (2), (4)	Third-party notification	X				
29(1)	Where the Information Commissioner recommends disclosure	X				
33	Advising Information Commissioner of third- party involvement	X				
35(2)(b)	Right to make representations	X				
37(4)	Access to be given to complainant	X				



Delegation of Authority Under the Access to Information Act						
Provision	Task/Function	Position / Title				
		VP, Communications & Stakeholder Relations	ATIP Officer	Program Directors	All	N/A
43(1)	Notice to third party (application to Federal Court for review)	X				
44(2)	Notice to applicant (application to Federal Court by third party)	X				
52(2)(b), (3)	Special rules for hearings	X				
71(1)	Facilities for inspection of manuals	X				
72	Annual report to Parliament	X				



Delegation of Authority Under the Access to Information Regulations						
Provision	Task/Function	Position / Title				
		VP, Communications and Stakeholder Relations	ATIP Officer	Program Directors	All	N/A
6(1)	Transfer of request	X				
7(2)	Search and preparation fees	X				
7(3)	Production and programming fees	X				
8	Providing access to record(s)	X				
8.1	Limitations in respect of format	X				





Delegation of Authority Under the Privacy Act						
Provision	Task/Function	Position / Title				
		ATIP Coordinator	ATIP Officer	Program Directors	All	N/A
8(2)(j)	Disclosure for research purposes	X				
8(2)(m)	Disclosure in the public interest or in the interest of the individual	X				
8(4)	Copies of requests under 8(2)(e) to be retained	X				
8(5)	Notice of disclosure under 8(2)(m)	X				
9(1)	Record of disclosures to be retained	X				
9(4)	Consistent uses	X				
10	Personal information to be included in personal information banks	X				



Delegation of Authority Under the Privacy Act						
Provision	Task/Function	Position / Title				
		ATIP Coordinator	ATIP Officer	Program Directors	All	N/A
14	Notice where access requested	X				
15	Extension of time limits	X				
17(2)(b)	Language of access	X				
17(3)(b)	Access to personal information in alternative format	X				
18(2)	Exemption (exempt bank) - Disclosure may be refused	X				
19(1)	Exemption - Personal information obtained in confidence	X				
19(2)	Exemption - Where authorized to disclose	X				
20	Exemption - Federal-provincial affairs	X				



Delegation of Authority Under the Privacy Act						
Provision	Task/Function	Position / Title				
		ATIP Coordinator	ATIP Officer	Program Directors	All	N/A
21	Exemption - International affairs and defense	X				
22	Exemption - Law enforcement and investigation	X				
22.3	Exemption - Public Servants Disclosure Protection Act	X				
23	Exemption - Security clearances	X				
24	Exemption - Individuals sentenced for an offence					X
25	Exemption - Safety of individuals	X				
26	Exemption - Information about another individual	X				



Delegation of Authority Under the Privacy Act						
Provision	Task/Function	Position / Title				
		ATIP Coordinator	ATIP Officer	Program Directors	All	N/A
27	Exemption - Solicitor-client privilege	X				
28	Exemption - Medical record	X				
31	Notice of intention to investigate	X				
33(2)	Right to make representation	X				
35(1)	Findings and recommendations of Privacy Commissioner (complaints)	X				
35(4)	Access to be given	X				
36(3)	Report of findings and recommendations (exempt banks)	X				



Delegation of Authority Under the Privacy Act						
Provision	Task/Function	Position / Title				
		ATIP Coordinator	ATIP Officer	Program Directors	All	N/A
37(3)	Report of findings and recommendations (compliance review)	X				
51(2)(b)	Special rules for hearings	X				
51(3)	Ex parte representations	X				
72(1)	Report to Parliament	X				



Delegation of Authority Under the Privacy Regulations						
Provision	Task/Function	Position / Title				
		ATIP Coordinator	ATIP Officer	Program Directors	All	N/A
9	Reasonable facilities and time provided to examine personal information	X				
11(2)	Notification that correction to personal information has been made	X				
11(4)	Notification that correction to personal information has been refused	X				
13(1)	Disclosure of personal information relating to physical or mental health may be made to a qualified medical practitioner or psychologist for an opinion on whether to release information to the requestor	X				



14	Disclosure of personal information relating to physical or mental health may be made to a requestor in the presence of a qualified medical practitioner or psychologist	X				
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## Appendix B: Statistical Report on the *Access to Information Act*

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