Access to Information Act ANNUAL REPORT 2020-21

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Introduction

The Access to Information Act (ATIA) (Revised Statutes of Canada 1985, Chapter A-1) was proclaimed on July 1, 1983. The ATIA 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 ATIA stipulates that the head of every government institution shall prepare and submit to parliament an annual report on the administration of the ATIA for each fiscal year.

Consequently, this annual report is submitted by the Office of the Commissioner of Lobbying (OCL) in accordance with the ATIA. It describes how the OCL fulfilled its access to information responsibilities during the reporting period from April 1st, 2020, to March 31, 2021.

In addition, this annual report is prepared and tabled in accordance with section 20 of the Services Fees Act.

The Office of the Commissioner of Lobbying

The Commissioner of Lobbying's mandate, derived from the *Lobbying Act* (the Act), is to ensure transparency of the lobbying of federal public office holders. This contributes to increasing the confidence Canadians have in the integrity of government decision making.

The Commissioner's mandate is threefold:

- maintaining the Registry of Lobbyists, which contains and makes public the registration information disclosed by lobbyists;
- developing and implementing educational programs to foster public awareness of the requirements of the Act; and
- conducting investigations to ensure compliance with the Act and the Lobbyists' Code of Conduct (the Code).

Under the Act, the Commissioner of Lobbying also has the authority to grant exemptions to former designated public office holders who are subject to a five-year prohibition on lobbying activities.

The Commissioner reports annually to Parliament on the administration of the Act and the Code. The Commissioner is also required to table to Parliament reports on investigations, which include her findings, conclusions and the reasons for her conclusions.

Organizational Structure and Delegation of Authority

The ATIA provides the authority to the Commissioner of Lobbying to exercise all powers granted under the Act. The OCL's Access to Information and Privacy (ATIP) Coordinator is delegated this authority via a Delegation Order, of which a copy is attached in Annex A. The OCL has two employees responsible for the administration of the ATIA, an ATIP Coordinator and an Executive Assistant.

The Director of Corporate Services was the ATIP Coordinator from April 1st, 2020, to March 31, 2021. The ATIP Coordinator is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to ensure the OCL's compliance with the ATIA. The Coordinator makes decisions on the disposition of requests under the ATIA, promotes awareness of the legislation to ensure organizational responsiveness to its obligations, as well as monitors and advises on compliance with the ATIA, regulations, procedures and policies. Further, the Coordinator acts as spokesperson for the OCL in dealings with the Treasury Board Secretariat, the Office of the Information Commissioner, and other government departments and agencies. The Coordinator is also responsible for conducting consultations with other federal organizations and other governments within Canada as required.

The Executive Assistant provides support to the ATIP Coordinator on the process of any requests received.

Due to the limited number of requests received, the OCL did not dispose of any service agreements under section 96 of the *Access to Information Act* during the reporting period from April 1st, 2020, to March 31, 2021.

Under the Act, the OCL collects information from registrants and lobbyists and the disclosures filed by registrants are accessible on the Registry of Lobbyists at the following address: lobbycanada.gc.ca.

The OCL's Annual Report and Reports on Investigations must be tabled in both Houses of Parliament. They are also posted on the OCL's website and on the Open Government Portal under the ATIA requesting that all reports tabled in Parliament be proactively disclosed.

Administration of the Access to Information Act

Statistical Report

Annex B provides a statistical summary of requests under the *Access to Information Act* (ATIA) received during fiscal year 2020-21.

In 2020-21, the OCL received 51 requests under the ATIA: 28 were processed formally and 23 were processed informally. The 23 informal requests were requests for information that was previously released under the ATIA. 100% of the requests were closed within legislated timelines. The requests that were received pertained mainly to lobbying. One request was in relation to OCL's internal services.

Sources of requests

Of the 28 formal requests received, 16 came from media, one from an academic organization, one from the business sector, one from an organization, seven from the public and two came from an unidentifiable source, as the requestor declined to identify.

Of the 23 informal requests received, four came from media, two from academic organizations, four came from the business sector, three from the public and ten came from an unidentifiable source, as the requestor declined to identify.

Disposition and completion time

The 23 informal requests were completed in less than 15 days.

Of the 28 formal requests:

• Seven formal requests were closed in 1 to 15 days:

For two of these requests, the documents were completely disclosed.

For the three of these requests, the documents were disclosed in part as they contained personal information (subsection 19(1)).

For two of these requests, the existence of records could not be confirmed nor denied under subsection 16.2(1).

• Three formal requests were closed in 16 to 30 days:

For one of these requests, the documents were disclosed in part as they contained information obtained under subsection 16.2(1) and personal information (subsection 19(1)).

For two of these requests, no records existed.

One request was closed in 61 to 120 days:

For this request, the documents were disclosed in part as they contained information obtained under subsection 16.2(1) and contained personal information (subsection 19(1)).

• <u>17 requests were abandoned:</u>

All these requests were abandoned in less than 15 days after the requesters were advised that the information they were requesting was not held by the Office of the Commissioner of Lobbying.

Statistics for the disposition of records

Disposition	Number of formal requests received	Percentage representation
All disclosed	2	7%
Disclosed in part	5	18%
No records exist	2	7%
Neither confirmed nor denied	2	7%
Request abandoned	17	61%
Total	28	100%

Exemptions

As mentioned, five requests were disclosed in part. This was due to the fact that these requests contained information under:

- Subsection 19(1) that refers to material containing personal information; or
- Subsection 16.2(1) that refers to information that was obtained or created by the Commissioner or on her behalf in the course of an investigation.

For these requests, the OCL processed and released 15,636 pages on which some information has been redacted.

Extensions

An extension was requested for the request that was closed in 61 to 120 days. The extension request was made under subsection 9(1)(a) that authorize the head of a government institution to extend the time limit set out in section 7 or subsection 8(1) if the request is for a large number of records or requires a search through a large number of records and meeting the original time limit, under either of these circumstances, would interfere unreasonably with the institution's operation.

Consultations From Other Institutions

In 2020-21, the OCL received 10 consultations from other federal institutions. All these consultations were completed in less than 15 days. A total of 90 pages were reviewed. For eight of these consultations requests, we recommended that the documents be entirely disclosed. For one consultation, we recommended that documents be disclosed in part under subsection 19(1). For one consultation request, we recommended that documents be completely exempted under subsection 16.2(1).

Evolution over the years

In 2020-21, the volume of formal request received and completed by the OCL increased by 215% from the last fiscal year and experienced a decrease of 67% in consultations from other federal institutions.

Fiscal year	Formal requests received	Formal requests completed	Consultation completed from other institutions
2021-21	28	28	10
2019-20	13	13	15
2018-19	2	2	7
2017-18	5	5	12
2016-17	8	8	3
2015-16	5	5	9
2014-15	4	5	9

COVID-19 impacts

As the employees of the OCL could already telework before the pandemic and because the Office receives limited access to information requests, the COVID-19 pandemic did not have a major impact on the processing of access to information requests for the year 2020-21. Therefore, the OCL did not have to put in place mitigation measures.

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 by the OCL under the ATIA, the information below is reported in accordance with the requirements of section 20 of the Service Fees Act.

On July 12, 2019, the OCL took the decision to dispense the fees for the processing of requests pursuant to paragraph 7(1)(a) of the Access to Information Regulations. Consequently, the 5\$ fees for the 28 requests received during the year 2020-21 were dispensed, for a total of \$140.

In accordance with the *Interim Directive on the Administration of the Access to Information Act*, issued on May 5, 2016, the OCL waives all fees prescribed by the Act and Regulations. No fees are imposed for reviewing records, overhead or shipping costs.

The OCL incurred total expenditure of approximately \$ 27,000 for the application of the ATIA in 2020-21. This amount was allotted to staff salary.

Information holdings

In accordance with the *Access to Information Act*, the information gathered by the OCL is used only for the purposes for which it was obtained.

The OCL is responsible for providing a full accounting of information holdings to the Treasury Board Secretariat and ensuring that updates are provided for inclusion in the Canada.ca publication. This publication contains a description of the classes of institutional records held by the OCL, and can be obtained through public or academic libraries or it may be viewed online on the Treasury Board Secretariat's website at Canada.ca.

Implemented policies, guidelines, procedures and initiatives

During the reporting period, the OCL did not implement new policies, guidelines, procedures or initiatives related to the *Access to Information Act*.

OCL Website

The OCL's website available at lobbycanada.gc.ca allows members of the public to access and search the Registry of Lobbyists, as well as obtaining copies of reports such as the OCL's annual reports on Access to Information and Privacy. Summaries of completed requests are available on the OCL website and on Canada's Open Data Portal.

Reading Room

A reading room is available at the OCL's office. Our office is located on the 8th Floor at 410 Laurier Avenue West, Ottawa, Ontario, K1R 1B7, Canada.

Education and Training Activities

In 2020-21, the OCL did not provide education and training activities on access to information to its staff.

Complaints

The OCL did not receive any notice of investigation from the Information Commissioner's office in 2020-21.

Application to the Federal Court

There were no applications filed during 2019-20 related to the ATIA.

Time to Process Access to Information Request Monitoring

Given the small number of requests received and processed by the OCL, no formal monitoring system was required during the reporting period.

Annex A – Delegation Order

Commissioner of Lobbying



Commissaire au lobbying

October 29, 2020

Delegation Order

Access to Information Act and Privacy Act

The Commissioner of Lobbying, pursuant to section 95(1) of the Access to Information Act and section 73(1) of the Privacy Act, hereby designates the person holding the position set out in the schedule hereto, or the person occupying on an acting basis that position, to exercise the powers, duties and functions of the Commissioner of Lobbying as the head of the Office of the Commissioner of Lobbying, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

Schedule

Position Access to Information Act Privacy Act and

and Regulations Regulations

Director, Corporate Full authority Full authority

Services

Nancy Bélanger

Commissioner of Lobbying



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Annex B – 2020-21 Statistical Report



Government of Canada

Gouvernement du Canada

Statistical Report on the Access to Information Act

Name of institution: Office of the Commissioner of Lobbying

Reporting period: 2020-04-01 to 2021-03-31

Section 1: Requests Under the Access to Information Act

1.1 Number of requests

	Number of Requests
Received during reporting period	28
Outstanding from previous reporting period	0
Total	28
Closed during reporting period	28
Carried over to next reporting period	0

1.2 Sources of requests

Source	Number of Requests
Media	16
Academia	1
Business (private sector)	1
Organization	1
Public	7
Decline to Identify	2
Total	28

1.3 Informal requests

	Completion Time						
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
23	0	0	0	0	0	0	23

Note: All requests previously recorded as "treated informally" will now be accounted for in this section only.

TBS/SCT 350-62



Section 2: Decline to act vexatious, made in bad faith or abuse of right 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
Carried over to next reporting period	0

Section 3: Requests Closed During the Reporting Period

3.1 Disposition and completion time

	Completion Time							
Disposition of Requests	1 to 15 Days		31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
All disclosed	2	0	0	0	0	0	0	2
Disclosed in part	3	1	0	1	0	0	0	5
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	2	0	0	0	0	0	2
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	17	0	0	0	0	0	0	17
Neither confirmed nor denied	2	0	0	0	0	0	0	2
Decline to act with the approval of the Information Commisioner	0	0	0	0	0	0	0	0
Total	24	3	0	1	0	0	0	28

3.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	0	16(2)	0	18(a)	0	20,1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20,2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20,4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	0
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	0
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	0
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	0
15(1)	0	16.1(1)(d)	0	19(1)	5	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	4	20(1)(a)	0	23	0
15(1) - Def.*	0	16,3	0	20(1)(b)	0	23,1	0
15(1) - S.A.*	0	16,31	0	20(1)(b.1)	0	24(1)	0
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(c)	0	26	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(d)	0		
16(1)(a)(iii)	0	16,5	0			_	
16(1)(b)	0	16,6	0				
16(1)(c)	0	17	0				
16(1)(d)	0			_			

^{*} I.A.: International Affairs Def.: Defence of Canada S.A.: Subversive Activities

3.3 Exclusions

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

3.4 Format of information released

Paper	Electronic	Other
0	7	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed		Number of Requests	
15	715	15715	2	26

3.5.2 Relevant pages processed and disclosed by size of requests

	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
Disposition	Number of Requests	Pages Disclosed			Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	
All disclosed	2	79	0	0	0	0	0	0	0	0
Disclosed in part	2	45	2	406	0	0	0	0	1	15185
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	17	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	2	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	23	124	2	406	0	0	0	0	1	15185

3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0
Total	0	0	0	0	0

3.6 Closed requests

3.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	28
Percentage of requests closed within legislated timelines (%)	100

3.7 Deemed refusals

3.7.1 Reasons for not meeting legislated timelines

	Pı	Principal Reason				
Number of Requests Closed Past the Legislated Timelines	/ Workload	External	Internal Consultation	Other		
0	0	0	0	0		

3.7.2 Requests closed beyond legislated timelines (including any extension taken)

Number of Days Past Legislated Timelines	Where No Extension Was	Number of Requests Past Legislated Timeline Where an Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

3.8 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 4: Extensions

4.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations	Section 69	Other	9(1)(c) Third-Party Notice
All disclosed	0	0	0	0
Disclosed in part	1	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Decline to act with the approval of the Information Commisioner	0	0	0	0
Total	1	0	0	0

4.2 Length of extensions

	9(1)(a)	9(1)(b) Consultation		
Length of Extensions	Interference With Operations	Section 69	Other	9(1)(c) Third-Party Notice
30 days or less	0	0	0	0
31 to 60 days	0	0	0	0
61 to 120 days	1	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	1	0	0	0

Section 5: Fees

	Fee Collected		Fee Waived or Refunded		
Fee Type	Requests	Amount	Requests	Amount	
Application	0	\$0	28	\$140	
Other fees	0	\$0	0	\$0	
Total	0	\$0	28	\$140	

Section 6: Consultations Received From Other Institutions and Organizations

6.1 Consultations received from other Government of Canada institutions and organizations

Consultations		Number of Pages to Review		Number of Pages to Review
Received during reporting period	10	90	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	10	90	0	0
Closed during the reporting period	10	90	0	0
Carried over to next reporting period	0	0	0	0

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

Number of Days Required to Complete Consultation Requests							
			61 to 120 Days	_	181 to	Than 365	Total
8	0	0	0	0	0	0	8
1	0	0	0	0	0	0	1
1	0	0	0	0	0	0	1
0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0
10	0	0	0	0	0	0	10
	1 to 15 Days 8 1 1 0 0	1 to 15 16 to 30 Days 8 0 1 0 1 0 0 0 0 0 0 0	1 to 15 16 to 30 Days 8 0 0 1 0 0 1 0 0 0 0 0 0 0 0 0 0	1 to 15 16 to 30 Days 31 to 60 Days 61 to 120 Days 8 0 0 0 1 0 0 0 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1 to 15 Days 16 to 30 Days 31 to 60 Days 61 to 120 Days 121 to 180 Days 8 0 0 0 0 1 0 0 0 0 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1 to 15 16 to 30 Days 31 to 60 Days 61 to 120 Days 121 to 180 Days 181 to 365 Days 8 0	1 to 15 16 to 30 31 to 60 120 180 Days 181 to 365 365 Days 365

6.3 Recommendations and completion time for consultations received from other organizations

Number of Days Required to Complete Consultation Requests								
Recommendation		16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days		More Than 365 Days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Section 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

		Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
Number of Days	Number of Requests	Pages Disclosed		Pages	Number of Requests		Number of Requests	Pages Disclosed	•.	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	

7.2 Requests with Privy Council Office

	Fewer That Pages Pro		101–500 Pages d Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
Number of Days	Number of Requests	Pages Disclosed		9	Number of Requests	_	Number of Requests	Pages Disclosed		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 8: Complaints and investigations

Section 32 Notice of intention to investigate	Subsection 30(5) Ceased to investigate		Section 37 Reports of finding received	Section 37 Reports of finding containing recommendations issued by the Information Commissioner	
0	0	0	0	0	0

Section 9: Court Action

9.1 Court actions on complaints received before June 21, 2019 and on-going

Section 41 (before June 21, 2019)	Section 42	Section 44
0	0	0

9.2 Court actions on complaints received after June 21, 2019

Section 41 (after June 21, 2019)					
Complainant (1)	Institution (2)	Third Party (3)	Privacy Commissioner (4)	Total	
0	0	0	0	0	

Section 10: Resources Related to the Access to Information Act

10.1 Costs

Expenditures		Amount	
Salaries		\$27 000	
Overtime		\$0	
Goods and Services		\$0	
Professional services contracts	\$0		
Other	\$0		
Total		\$27 000	

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0,330
Part-time and casual employees	0,000
Regional staff	0,000
Consultants and agency personnel	0,000
Students	0,000
Total	0,330

Note: Enter values to three decimal places.