

NATIONAL CAPITAL COMMISSION
COMMISSION DE LA CAPITALE NATIONALE

Annual Report to Parliament

ACCESS TO INFORMATION ACT

APRIL 1, 2017 TO MARCH 31, 2018

Canada



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INTRODUCTION

The *Access to Information Act* gives Canadian citizens, as well as people and corporations present in Canada the right to have access to federal government records that are not of a personal nature. The *Access to Information Act* complements, but does not replace other procedures for obtaining government information. It is not intended to limit in any way the access to government information that is normally available to the public upon request. This annual report to Parliament was prepared and shall be tabled in accordance with section 72 of the *Access to Information Act*.

The National Capital Commission (NCC) is a Crown corporation that was created by Parliament in 1959 as the steward of federal lands and buildings in Canada's Capital Region. The corporation is responsible for planning, as well as taking part in the development, conservation and improvement of Canada's Capital Region. The NCC is governed by a national board of directors. The NCC reports to Parliament through the Minister of Canadian Heritage.

The *National Capital Act* defines the NCC's mandate. The NCC fulfills its mandate through the following areas of activity:

- setting the long-term planning direction for federal lands in Canada's Capital Region;
- guiding and controlling the use and development of federal lands in Canada's Capital Region;
- managing, conserving and protecting NCC assets (including Gatineau Park, the Greenbelt, the NCC real property portfolio, and other assets such as bridges, pathways and parkways); and
- maintaining heritage sites in Canada's Capital Region, such as the official residences and commemorative sites.

STRUCTURE OF THE ATIP OFFICE

The Access to Information and Privacy (ATIP) Office is part of the Legal Services and Commission Secretariat Branch of the NCC. It is responsible for the administration of the *Access to Information Act* and the *Privacy Act* for the corporation. The Chief of ATIP acts as the institutional coordinator and is assisted by two ATIP officers.

The ATIP Office ensures that the NCC meets its legislated obligations in replying to requests with support from a network of ATIP branch representatives in each of the corporation's program areas.

STATISTICS

The following statistics describe the administration of the *Access to Information Act* within the NCC for the period of April 1, 2017, to March 31, 2018, as found in the attached Appendix A.

Requests Received Under the *Access to Information Act*

During the period, 66 *Access to Information Act* requests were received. This is less than was received in 2016–2017. Including the 15 requests carried over from the previous reporting period, the ATIP Office worked on processing 81 requests in total, and completed 58 in 2017–2018.

The number of pages reviewed for the purpose of responding to access requests decreased from 47,757 pages in 2016–2017 to 23,839 pages in 2017–2018. These figures represent only those formal *Access to Information Act* requests completed, and do not account for the number of pages reviewed and processed for currently active files.

The statistics show that most of the 66 requests received during the period originated from the media (24), followed by the general public (17), academia (14), organizations (4) and the business community (1). Six requesters did not identify themselves.

Of the 58 requests completed, the NCC was able to disclose all records in three cases, and disclosed records in part in 39 cases. In seven instances, no records were found that were relevant to the wording of the requests submitted and, in nine cases, the requests were abandoned by the requesters. There was no instance where records were completely excluded or were all exempted. No requests were transferred to another institution.

In three cases, the responsive records were released in paper format. The NCC was able to provide records electronically in 39 cases.

A total of 27 requests were processed within 30 calendar days. In some cases, it was necessary to take extensions to process requests. In other cases, requests could not be completed within the reporting time frame. Five requests were completed within 60 days, and 26 requests took longer than 60 days to complete. The NCC responded to 89 percent of the completed requests within the legislated time frame.

Extensions were invoked a number of times, with a majority of these exceeding 30 days. Consultations with other institutions accounted for most of the extensions.

The NCC was unable to meet the statutory deadline for seven requests processed in 2017–2018.

The NCC also received 26 requests for consultation from other government institutions, a slight decrease from the 27 of the previous reporting period. All consultations but one had been completed at the end of 2017–2018. For the 26 requests closed, 459 pages

required review, which is a significant decrease from the 925 pages reviewed in the previous reporting period. All consultations but one were responded to within 30 days, with a majority of these (18) completed within 15 days.

Since the 2013–2014 fiscal year, the NCC has received 452 *Access to Information Act* requests, and the number of pages reviewed each year has fluctuated significantly.

Fiscal year	Number of requests closed	Number of pages reviewed	Number of pages released
2013–2014	88	36,334	17,801
2014–2015	93	40,501	17,115
2015–2016	111	27,446	21,629
2016–2017	102	47,757	33,036
2017–2018	58	23,839	21,501

Exemptions Invoked

For the NCC, the majority of the exemptions invoked fell under section 21, Operations of Government—Advice; subsection 19(1), Personal information; section 20, Third Party Information; section 16, Law enforcement and investigations, and Security; and section 23, Solicitor-client privilege. Other exemptions applied included section 18, Economic interests of Canada; subsection 15(1) International affairs and defence; and section 13, Information obtained in confidence.

Exclusions Invoked

No exclusions were invoked during the reporting period.

Operational Costs to Administer the *Access to Information Act*

A total of 3.14 full-time equivalents were used to administer the *Access to Information Act* within the NCC. Salaries and administration costs amounted to \$341,501. Operational costs for this fiscal year amounted to \$210. Application fees totalling \$285 were collected during this reporting period. No other fees were collected. Fees were waived four times, and no refunds were made during the reporting period.

Posting of Closed Requests

Following Treasury Board guidelines, the NCC maintained a list of completed *Access to Information Act* requests on open.canada.ca (http://open.canada.ca/en/search/ati?f%5B0%5D=ss_ati_organization_en%3ANational%20Capital%20Commission).

The public could view this list and then contact the ATIP Office to obtain copies of the previously released records. In some cases, requesters contacted the ATIP Office and asked about current, active requests. These individuals asked to receive copies of the requests once processing had been completed. In 2017–2018, the ATIP Office received

89 requests for records either previously released or to be released through a formal request still being processed. This number represents a decrease from the 130 requests received in the previous reporting period. Counting requests carried over from previous fiscal years, a total of 125 requests were completed, resulting in the release of 37,632 pages of records.

INSTITUTIONAL POLICIES AND PROCEDURES

The NCC has several Corporate Administrative Policies and Procedures (CAPPs). Specifically, the CAPP on Access to Information helps to ensure that the NCC fulfills its obligations under the *Access to Information Act*.

This policy provides guidance to employees with respect to the application of the *Access to Information Act*, and outlines the responsibilities of the Executive Management Committee, senior managers, branch representatives, managers and employees.

This policy has been in place since 2009, and no amendments have been made since that time. The review of the Access to Information CAPP was initiated during the year.

DELEGATION OF AUTHORITY

The chair of the NCC is designated as head of the institution by virtue of the “*Access to Information Act* Heads of Government Institution Delegation Order (SI/83-113, as amended).” The chair is responsible for administering the *Access to Information Act*.

The chair has delegated the authority under the *Access to Information Act* to key officials within the organization, in accordance with section 73 of the *Access to Information Act*.

The general counsel and commission secretary and the chief of ATIP have complete delegated authority. The ATIP officers have limited delegation for the application of specific exemptions.

A copy of the delegation order, signed April 9, 2013, is attached for reference (*see Appendix B*).

EDUCATION AND TRAINING

ATIP awareness/information sessions are offered, in both official languages, to NCC employees at large. The Canada School of Public Service Access to Information and Privacy online course was completed by 356 employees, representing 84 percent of all NCC staff.

COMPLAINTS AND INVESTIGATIONS

Three complaints related to two requests were received in 2017–2018. No complaints were carried over from 2016–2017. One complaint was closed before the end of this reporting period.

The first complaint pertained to a request for information about plans to create or modify recreational facilities at Harrington Lake and/or Meech Lake. The complaint concerned the validity of the extension. Although the investigation concluded that the extension was invoked within the legislative timelines and that consultations were required, the length of the extension was found to be excessive. The file was completed, and the Office of the Information Commissioner concluded that the complaint was well-founded and resolved.

The second and third complaints were submitted on a request regarding the Chaudières, Albert and Victoria islands in the Ottawa River. The complaints suggested that the NCC had failed to provide all records responsive to the request and had improperly applied exemptions. The Information Commissioner had not completed the investigation of these two complaints at the end of the reporting period.

MONITORING OF PROCESSING TIME

ATIP staff regularly monitor the time taken to process active access to information requests, and meet weekly to review all active requests. The general counsel and commission secretary is provided with a weekly status report for all requests—active, recently completed and those about to be closed.



Statistical Report on the Access to Information Act

Name of institution: National Capital Commission

Reporting period: 2017-04-01 to 2018-03-31

Part 1: Requests Under the Access to Information Act

1.1 Number of requests

	Number of Requests
Received during reporting period	66
Outstanding from previous reporting period	15
Total	81
Closed during reporting period	58
Carried over to next reporting period	23

1.2 Sources of requests

Source	Number of Requests
Media	24
Academia	14
Business (private sector)	1
Organization	4
Public	17
Decline to Identify	6
Total	66

1.3 Informal requests

Completion Time							Total
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
71	15	8	9	21	1	0	125

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

Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	0	2	1	0	0	0	0	3
Disclosed in part	1	8	4	11	6	7	2	39
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	1	6	0	0	0	0	0	7
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	8	1	0	0	0	0	0	9
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	10	17	5	11	6	7	2	58

2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	0	16(2)	1	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	7	20.2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	1	16(2)(c)	22	18(d)	7	21(1)(a)	19
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	23
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	5
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	4
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)	37	22.1(1)	0
15(1) - I.A.*	1	16.2(1)	0	20(1)(a)	0	23	12
15(1) - Def.*	1	16.3	0	20(1)(b)	16	24(1)	0
15(1) - S.A.*	0	16.4(1)(a)	0	20(1)(b.1)	0	26	0
16(1)(a)(i)	0	16.4(1)(b)	0	20(1)(c)	16		
16(1)(a)(ii)	0	16.5	0	20(1)(d)	5		
16(1)(a)(iii)	0	17	0				
16(1)(b)	0						
16(1)(c)	1						
16(1)(d)	0						

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

2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	0	69(1)	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

2.4 Format of information released

Disposition	Paper	Electronic	Other Formats
All disclosed	2	1	0
Disclosed in part	1	38	0
Total	3	39	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	28	28	3
Disclosed in part	23476	21139	39
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	335	334	9
Neither confirmed nor denied	0	0	0

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	3	28	0	0	0	0	0	0	0	0
Disclosed in part	11	465	13	3119	7	5090	8	12465	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	8	0	1	334	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	22	493	14	3453	7	5090	8	12465	0	0

2.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	1	0	0	0	1
Disclosed in part	21	0	0	9	30
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor	0	0	0	0	0
Total	22	0	0	9	31

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past the Statutory Deadline	Principal Reason			
	Workload	External Consultation	Internal Consultation	Other
7	5	1	0	1

2.6.2 Number of days past deadline

Number of Days Past Deadline	Number of Requests Past Deadline Where No Extension Was Taken	Number of Requests Past Deadline Where An Extension Was Taken	Total
1 to 15 days	0	2	2
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	2	2
121 to 180 days	0	1	1
181 to 365 days	0	1	1
More than 365 days	0	1	1
Total	0	7	7

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Part 3: Extensions

3.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
All disclosed	0	0	1	0
Disclosed in part	17	0	23	1
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	17	0	24	1

3.2 Length of extensions

Length of Extensions	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
30 days or less	4	0	4	0
31 to 60 days	3	0	11	1
61 to 120 days	7	0	8	0
121 to 180 days	1	0	0	0
181 to 365 days	2	0	1	0
365 days or more	0	0	0	0
Total	17	0	24	1

Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	57	\$285	4	\$20
Search	0	\$0	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	0	\$0
Total	57	\$285	4	\$20

Part 5: Consultations Received From Other Institutions and Organizations

5.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	26	459	1	2
Outstanding from the previous reporting period	0	0	0	0
Total	26	459	1	2
Closed during the reporting period	25	447	1	2
Pending at the end of the reporting period	1	12	0	0

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

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
Disclose entirely	13	3	0	0	0	0	0	16
Disclose in part	4	1	1	0	0	0	0	6
Exempt entirely	1	2	0	0	0	0	0	3
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	18	6	1	0	0	0	0	25

5.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
Disclose entirely	1	0	0	0	0	0	0	1
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	1	0	0	0	0	0	0	1

Part 6: Completion Time of Consultations on Cabinet Confidences

6.1 Requests with Legal Services

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

6.2 Requests with Privy Council Office

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

Part 7: Complaints and Investigations

Section 32	Section 35	Section 37	Total
3	3	1	7

Part 8: Court Action

Section 41	Section 42	Section 44	Total
0	0	0	0

Part 9: Resources Related to the *Access to Information Act*

9.1 Costs

Expenditures		Amount
Salaries		\$339,903
Overtime		\$1,388
Goods and Services		\$210
• Professional services contracts	\$0	
• Other	\$210	
Total		\$341,501

9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	3.07
Part-time and casual employees	0.07
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	3.14


Note: Enter values to two decimal places.

Designation Order

Access to Information Act

In accordance with Section 73 of the *Access to Information Act*, the Chairperson of the National Capital Commission hereby delegates authority granted for the provisions of the *Access to Information Act* as indicated below. Any prior Designation Orders are hereby revoked.

<u>Position Title</u>	<u>Provisions of the <i>Access to Information Act</i></u>
1. Chairperson	7(a), 8(1), 9, 11(2), (3), (4), (5), (6), 12(2), (3), 13 to 26, 27(1), (4), 28(1), (2), (4), 29(1), 33, 35(2), 37(4), 43(1), 44(2), 52 (2), (3), 69, 71(2)
2. General Counsel and Commission Secretary, Legal Services and Commission Secretariat	7(a), 8(1), 9, 11(2), (3), (4), (5), (6), 12(2), (3), 13 to 26, 27(1), (4), 28(1), (2), (4), 29(1), 33, 35(2), 37(4), 43(1), 44(2), 52 (2), (3), 69, 71(2)
3. Chief, Access to Information and Privacy	7(a), 8(1), 9, 11(2), (3), (4), (5), (6), 12(2), (3), 13 to 26, 27(1), (4), 28(1), (2), (4), 29(1), 33, 35(2), 37(4), 43(1), 44(2), 52 (2), (3), 69, 71(2)
4. Officer, Access to Information and Privacy	7(a), 8(1), 9, 11(2), (3), (4), (5), (6), 13, 19(1) 20(1), (2), (3), (4), (5), (6), 23, 26, 27(1), (4), 28(1), (2), (4), 29(1), 33, 35(2), 37(4), 43(1), 44(2), 52 (2), (3), 69, 71(2)



Russell Mills, Chairperson
National Capital Commission



Date