

NATIONAL CAPITAL COMMISSION
COMMISSION DE LA CAPITALE NATIONALE

Annual Report to Parliament

ACCESS TO INFORMATION ACT

APRIL 1, 2019 TO MARCH 31, 2020

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 94 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 Public Services and Procurement.

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

During the reporting period, the Access to Information and Privacy (ATIP) Office was 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 three 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, 2019, to March 31, 2020, as found in the attached Appendix A.

Requests Received Under the *Access to Information Act*

During the period, 46 *Access to Information Act* requests were received. This is fewer than were received in 2018–2019. Including the 13 requests carried over from the previous reporting period, the ATIP Office worked on processing 59 requests in total, and completed 50 in 2019–2020.

The number of pages reviewed for the purpose of responding to access requests decreased from 34,894 pages in 2018–2019 to 26,681 pages in 2019–2020. 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 46 requests received during the period originated from the general public (13), followed by the media (11), organizations (8), academia (7) and the business community (1). Six requesters did not identify themselves.

Of the 50 requests completed, the NCC was able to disclose all records in five cases, and disclosed records in part in 37 cases. In eight cases, the requests were abandoned by the requesters. There was no instance where all the records processed were withheld. No requests were transferred to another institution.

In two cases, the responsive records were released in paper format. The NCC was able to provide records electronically in 40 cases.

A total of 18 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. Seven requests were completed within 60 days, and 25 requests took longer than 60 days to complete. The NCC responded to 88 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 six requests processed in 2019–2020.

The NCC also received 11 requests for consultation from other government institutions, a decrease from the 20 of the previous reporting period. All consultations had been completed at the end of 2019–2020. For the 11 requests closed, 1,578 pages required review, which is a significant increase from the 685 pages reviewed in the previous

reporting period. All consultations but three were responded to within 30 days, with four of these completed within 15 days after being received.

Since the 2015–2016 fiscal year, the NCC has received 413 *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
2015–2016	111	27,446	21,629
2016–2017	102	47,757	33,036
2017–2018	58	23,839	21,501
2018–2019	92	34,894	28,584
2019–2020	50	26,681	24,732

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 22, Testing procedures.

Exclusions Invoked

No exclusions were invoked during the reporting period.

Operational Costs to Administer the *Access to Information Act*

A total of 2.71 full-time equivalents were used to administer the *Access to Information Act* within the NCC. Salaries and administration costs amounted to \$289,044. Operational costs for this fiscal year amounted to \$37,154. Application fees totalling \$225 were collected during this reporting period. No other fees were collected. Fees were waived once, 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. 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 2019–2020, the ATIP Office received 69 requests for records either previously released or to be released through a formal request still being processed. This number represents a decrease from the 187 requests received in the previous reporting

period. Counting requests carried over from previous fiscal years, a total of 69 requests were completed, resulting in the release of 40,762 pages of records.

Impact of the COVID-19 Pandemic

On March 14, 2020, all NCC employees, with a few exceptions, were asked to work from home. ATIP staff were able to continue processing requests with few difficulties, as the ATIP office had already transformed most of its processes to enable teleworking. The retrieval of paper-based records was virtually halted, but all requesters were understanding and focused their requests on electronically available 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.

New procedures to retrieve records electronically from the branches were put in place during the fiscal 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 95 of the *Access to Information Act*.

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

A copy of the delegation order, signed July 22, 2018, 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 78 new permanent employees, representing a 98 percent completion rate.

COMPLAINTS AND INVESTIGATIONS

No complaints were received in 2019–2020. Three complaints were carried over from 2018–2019. No complaints were closed before the end of this reporting period.

The Audit Research, Evaluation and Ethics Branch conducted an audit of the processing of ATIP requests. The results of the audit were very positive. The only recommendation provided was to update the ATIP training to ensure it is more specific to the different functional groups' needs. This will be done in the next fiscal year.

MONITORING OF PROCESSING TIME

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

APPENDIX A

**Statistical Report on the Access to Information Act**Name of institution: National Capital CommissionReporting period: 2019-04-01 to 2020-03-31**Section 1: Requests Under the Access to Information Act****1.1 Number of requests**

	Number of Requests
Received during reporting period	46
Outstanding from previous reporting period	13
Total	59
Closed during reporting period	50
Carried over to next reporting period	9

1.2 Sources of requests

Source	Number of Requests
Media	11
Academia	7
Business (private sector)	1
Organization	8
Public	13
Decline to Identify	6
Total	46

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	
63	5	1	0	0	0	0	69

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

Section 2: Decline to act on 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

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	1	4	0	0	0	0	0	5
Disclosed in part	0	7	7	16	4	0	3	37
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	6	0	0	0	0	0	2	8
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Decline to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0
Total	7	11	7	16	4	0	5	50

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)	7	20,2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20,4	0
13(1)(d)	0	16(2)(c)	11	18(d)	2	21(1)(a)	10
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	8
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	4
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	2
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	1
15(1)	0	16.1(1)(d)	0	19(1)	22	22.1(1)	0
15(1) - I.A.*	1	16.2(1)	0	20(1)(a)	0	23	12
15(1) - Def.*	0	16,3	0	20(1)(b)	8	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)	6	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)	1	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)	1	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
2	40	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
26681	24732	50

3.5.2 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	63	0	0	2	1666	0	0	0	0
Disclosed in part	8	365	14	4002	9	6557	6	12079	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	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	19	428	14	4002	11	8223	6	12079	0	0

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	30	0	0	4	34
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
Total	30	0	0	4	34

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	44
Percentage of requests closed within legislated timelines (%)	88

3.7 Deemed refusals

3.7.1 Reasons for not meeting legislated timelines

Number of Requests Closed Past the Legislated Timelines	Principal Reason			
	Interference with Operations / Workload	External Consultation	Internal Consultation	Other
6	5	1	0	0

3.7.2 Requests closed beyond legislated timelines (including any extension 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 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	1	0	1
121 to 180 days	0	0	0
181 to 365 days	2	0	2
More than 365 days	3	0	3
Total	6	0	6

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	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
All disclosed	0	0	0	0
Disclosed in part	13	0	16	11
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	2	0	2	0
Total	15	0	18	11

4.2 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	8	6
31 to 60 days	6	0	6	4
61 to 120 days	4	0	1	1
121 to 180 days	1	0	3	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	15	0	18	11

Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Requests	Amount	Requests	Amount
Application	46	\$225	1	\$5
Other fees	0	\$0	0	\$0
Total	46	\$225	1	\$5

Section 6: Consultations Received From Other Institutions and Organizations

6.1 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	11	1578	4	43
Outstanding from the previous reporting period	0	0	0	0
Total	11	1578	4	43
Closed during the reporting period	11	1578	4	43
Carried over to next reporting period	0	0	0	0

7.2 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

Section 8: Complaints and investigations

Section 32 Notice of intention to investigate	Subsection 30(5) Ceased to investigate	Section 35 Formal representations	Section 37 Reports of finding received	Section 37 Reports of finding containing recommendations issued by the Information Commissioner	Section 37 Reports of finding containing orders 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		\$243 382
Overtime		\$8 508
Goods and Services		\$37 154
• Professional services contracts	\$29 025	
• Other	\$8 129	
Total		\$289 044

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	2,57
Part-time and casual employees	0,00
Regional staff	0,00
Consultants and agency personnel	0,14
Students	0,00
Total	2,71

Note: Enter values to two decimal places.

APPENDIX B

Delegation Order / Arrêté de délégation

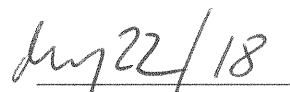
Access to Information Act and Privacy Act / Loi sur l'accès à l'information et de la Loi sur la Protection des renseignements personnels

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

Conformément à l'article 73 de la *Loi sur l'accès à l'information* et de la *Loi sur la Protection des renseignements personnels*, le président de la Commission de la capitale nationale délègue, par le présent, l'autorité prévue dans les articles de ces *Lois*, ci-dessous mentionnés. Tous les arrêtés préalablement en vigueur sont révoqués.

Position/Poste	Provisions of the <i>Access to Information Act</i> / Articles de la <i>Loi sur l'accès à l'information</i>	Provisions of the <i>Privacy Act</i> / Articles de la <i>Loi sur la Protection des renseignements personnels</i>
Chief Executive Officer / Premier dirigeant	Full authority/Autorité absolue	Full authority/Autorité absolue
General Counsel and Commission Secretary / Avocat général et secrétaire de la Commission	Full authority/Autorité absolue	Full authority/Autorité absolue
Chief, Access to Information and Privacy (ATIP) / Chef, Accès à l'information et la protection des renseignements personnels (AIPRP)	Full authority/Autorité absolue	Full authority/Autorité absolue
Senior Analyst, ATIP / Analyste principal, AIPRP (RE-05)	7(a), 8(1), 9, 10(1), 11(2), (3), (4), (5), (6), 19(1), 24(1), 26, 27(1), (4), 33, 35(2)	14, 15, 17(2)(b), 26
Analyst, ATIP / Analyste, AIPRP (RE-04)	7(a), 8(1), 9, 10(1), 19(1), 24(1), 26, 27(1), (4), 33	14, 15, 17(2)(b), 26
Director AREE and Chief Audit Executive / Directeur ARÉE et dirigeante de l'audit interne	10(2), 16.5	22.3


Marc Seaman
Chairperson/Président


Date