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Regional Industrial
Expansion

Expansion industrielle
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Canada

ANNUAL REPORTS

Access to Information and Privacy Acts

1986 - 1987



ACCESS TO INFORMATION AND PRIVACY ACTS

ANNUAL REPORTS

FOR THE PERIOD OF APRIL 1, 1986, TO MARCH 31, 1987

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Minister of Regional
Industrial Expansion



Ministre de l'Expansion
industrielle régionale

The Honourable L'honorable

Michel Côté

Her Excellency
The Right Honourable Jeanne Sauvé, P.C., C.C., C.M.M., C.D.
Governor General of Canada
Government House
1 Sussex Drive
Ottawa, Ontario
K1A 0A1

Your Excellency:

I have the honour to submit to Your Excellency the annual reports on the administration of the Access to Information and Privacy Acts for the period of April 1, 1986, to March 31, 1987, in accordance with section 72 of the legislation.

These reports also include any activities of the National Design Council and the Regional Development Incentives Board as they relate to the Access to Information and Privacy Acts.

Yours sincerely,



Michel Côté

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INTRODUCTION

The Access to Information and Privacy Acts (Statutes of Canada, Chapter 111, 1980-81-82-83) were proclaimed into force on July 1, 1983.

The Access to Information Act gives Canadian citizens and permanent residents a broad right of access to information contained in government records subject to certain specific and limited exceptions. As for the Privacy Act, this law extends to individuals the right of access to information about themselves held by the government, again subject to specific and limited exceptions. The law also protects their privacy by preventing others from having access to personal information and gives individuals some control over its collection and use.

Section 72 of the Access to Information Act and section 72 of the Privacy Act require that the head of every government institution shall prepare for submission to Parliament an annual report on the administration of the Act within the institution during each financial year.

This annual report is intended to describe how the Department of Regional Industrial Expansion administered its responsibilities in the fourth year of operation of the Access to Information and Privacy Acts.

PART 1

BACKGROUND ON THE DEPARTMENT

1.1. Introduction

To understand better the context in which access requests are dealt with, this section of the report presents background information about the department.

The Department of Regional Industrial Expansion (DRIE) was created following a reorganization of economic development departments announced in 1982. As part of this plan, the regional programs of the former Department of Regional Economic Expansion (DREE) were amalgamated with the industry, small business and tourism components of the former Department of Industry, Trade and Commerce (ITC). At that time, recognizing that international trade is an activity based on all sectors of the Canadian economy and requires greater emphasis in the conduct of Canada's foreign relations, the trade side of the Department of Industry, Trade and Commerce was amalgamated with the Department of External Affairs.

The Department of Regional Industrial Expansion maintains a broad range of activities, working on a continuous basis with the business and investment communities in Canada and abroad. Within the federal government, DRIE is the centre of expertise in industrial, commercial, tourism and small business activity and regional development in Canada.

1.2. Legal Mandate

The Department of Regional Industrial Expansion was formally established in December 1983, under the Department of Regional Industrial Expansion Act which sets out the departmental mandate of:

- o enhancing the national economy and achieving economic development in all regions in Canada;
- o improving opportunities for productive economic expansion in all regions of Canada and access to those opportunities; and
- o promoting economic development in those regions in Canada in which opportunities for productive employment are exceptionally inadequate.

The department's mandate is set out through various statutes and regulations. Foremost among these are the Department of Regional Industrial Expansion Act, proclaimed in December, 1983, and the Act establishing the Industrial and Regional Development Program which provides industrial assistance in

every region. Other statutes include the Small Businesses Loans Act which provides loan guarantees to small businesses, and various acts setting out responsibilities for Crown Corporations which report to the DRIE Minister.

In June 1984, certain functions and responsibilities of the Federal Economic Development Coordinators (FEDCs) and the Regional and Project Co-ordination Branch of the Ministry of State for Economic and Regional Development (MSERD) were transferred by Order-In-Council to DRIE. The functions of the FEDCs were originally established under the Government Organization Act of 1983, the main focus being the co-ordination, in each province, of the activities of federal economic departments and consultation with provincial governments. Responsibility now carried out by DRIE for the management of the overall Economic and Regional Development Agreement (ERDA) process is based on the same statutory authority.

1.3. Organization Structure

DRIE is headed by a Minister for Regional Industrial Expansion, as well as a Minister of State for Small Businesses and Tourism. Organizationally, the department is structured along both regional and sectoral lines. The headquarters organization is divided into components based on industrial sectors, regional development and corporate support. DRIE is highly decentralized, with 10 regional offices headed by Regional Executive Directors in charge of operations in each province. In addition, a Federal Economic Development Coordinator (FEDC) in each province encourages coherence among the policies and programs of various federal departments.

The DRIE regional offices focus on development opportunities in particular regions while the Assistant Deputy Ministers (ADMs) at headquarters consider the national perspective for their specific sectors, i.e., tourism; small businesses; industry marketing; and development programs and investments. Regional Executive Directors and headquarters ADMs work together to ensure that regional and sectoral policies are co-ordinated. The Federal Economic Development Coordinators co-ordinate federal economic development overviews and manage the ERDA process in each province. They chair a council of senior economic officials in each province, report regularly to the Federal-Provincial Relations Office, and provide feedback about regional responses to matters on the federal agenda which are of particular interest to the regions.

1.4. Program Objective

The general objective of the Regional Industrial Expansion Program is "to increase overall industrial, commercial and tourism activity in all parts of Canada and, in the process, reduce economic disparity across Canada".

More specifically, the objective is set out as follows:

- o to promote the establishment, growth and efficiency of manufacturing, processing, service and tourist industries;
- o to promote industrial development and employment opportunities in regions of slow economic growth;
- o to promote the application of advanced technology;
- o to promote the optimum development of income from tourism;
- o to develop and carry out programs and projects to foster the expansion of small businesses;
- o to collect, collate and disseminate up-to-date information on industrial performance, growth opportunities and obstacles to growth in all regions;
- o to assist industry to adapt to changing conditions in domestic and export markets by rationalizing and restructuring;
- o to assist investors in the location of industries; and
- o to provide support services for industrial and trade development.

1.5. Program Organization for Delivery

Activity Structure: The activity framework employed by DRIE is designed to support the various phases of business development.

Business Climate: This embraces general policy, investment promotion, co-ordination and consultative functions including interfacing with provincial governments, and development of industrial infrastructure, intended to generate a favourable climate for investment, entrepreneurship and ongoing business activity in Canada.

Innovation: This seeks to establish a capability for technological development in the private sector, induce investment, and support the development of new products and processes.

Industrial, Commercial and Tourism Development: This covers the largest share of departmental expenditures. Initiatives under this heading provide support for plant establishment, expansion and modernization.

Marketing: This focuses on the development and exploitation of international and domestic market opportunities. These include international trade policy development, enhancement of access to foreign markets, and identification of domestic marketing opportunities, as well as a major international marketing program for the tourism industry.

Administration: This includes executive direction and support services to assist the department in discharging its mandate.

Program Delivery: The department pursues its mandate through an array of funded programs and non-program functions. Non-program functions include policy development, policy co-ordination among federal departments, federal-provincial consultation and management of the ERDA process, investment prospecting and promotion, technology transfer, and industrial intelligence, as well as business counselling and enhancement of access to domestic and foreign markets.

DRIE also achieves its mandate through direct funded assistance to the private sector by means of grants, contributions, loans and through the selective use of loan guarantees. The instruments or delivery mechanisms through which financial assistance is provided are a series of programs delivered by the department. Some programs, including the Industrial and Regional Development Program and sub-agreements under ERDAs, are managed and delivered in regional offices with specified levels of ministerial delegation for specific projects. Other programs, such as the Defence Industry Productivity Program, are managed centrally through ongoing co-ordination with regional offices. The Economic and Regional Development Agreements, the Defence Industry Productivity Program and the Industrial and Regional Development Program are the main vehicles for DRIE's direct funded assistance.

A number of programs are designed to meet the economic and related needs of Canada's native population. For example, the Native Economic Development Program (NEDP) provides support for native-owned economic and financial institutions,

capital assistance for particular sectors of benefit to natives, and development assistance for native projects at the community level. The Special Agricultural and Rural Development Program provides economic assistance aimed at creating employment for native groups in British Columbia, Manitoba, Saskatchewan and the Territories. In addition, subsidiary agreements in Manitoba, Saskatchewan and the Territories help to meet the needs of native peoples through the provision of economic support.

Another group of programs focuses on the needs of small businesses in Canada. The Small Businesses Loans Act (SBLA) encourages private sector lenders to make loans to small businesses for capital investment purposes. TIEM Canada Inc., in conjunction with Control Data Canada, is implementing a five-year program of small business start-ups with related job creation in Sydney, St. John's, Quebec City, Winnipeg and Vancouver. DRIE is assisting this initiative by providing a repayable contribution over a three-year period. Certain subsidiary agreements provide assistance specifically tailored to the needs of small businesses. DRIE is also involved in the delivery of the Program for Export Market Development (PEMD) which is funded by External Affairs and supports many small businesses in achieving access to new export markets.

In recognition of regional disparity and the special needs of the Atlantic region, DRIE has development programs such as the Atlantic Enterprise Program and Enterprise Cape Breton. Both of these are examples of government working with the private sector to encourage productive, profitable, economic activity, leading towards long-term growth and stable employment. In addition, DRIE participates in the Atlantic Opportunities Program with Supply and Services Canada using government procurement as a means to achieve long-term job creation and industrial stability and growth.

PART 2

REPORT ON THE ACCESS TO INFORMATION ACT

2.1. Organization of Access to Information and Privacy Activities

An Access to Information and Privacy (ATIP) Office was created in DRIE some time ago to oversee the implementation of the new Access to Information and Privacy legislation. Staff are dedicated to ATIP activities on a full-time basis. In order to pursue most effectively management's objective of giving maximum effect to the legislation's provisions, the office is headed by a Senior Departmental Advisor (often referred to as the "Co-ordinator"). The Senior Departmental Advisor reports directly to the Assistant Deputy Minister, Finance, Personnel and Administration. The Assistant Deputy Minister, Finance, Personnel and Administration must provide the leadership to keep in place an institutional framework and mechanisms capable of providing the most objective and balanced policy advice and management/financial support to the Ministers through the Deputy Minister. This coincides well with the role defined for the Access to Information and Privacy Office. Included as part of its responsibilities is that of providing independent advice to senior management on the operation of the legislation and the disposition of access cases.

Other equally important responsibilities of the Access to Information and Privacy Office include:

- Developing policies, procedures and guidelines for the orderly implementation of the Acts;
- Promoting awareness of the legislation to ensure departmental responsiveness to the obligations imposed on the government;
- Monitoring departmental compliance with the Acts, regulations, procedures and policies;
- Acting as spokesperson for the department in dealings with the Treasury Board Secretariat, the Information and Privacy Commissioners and other government departments and agencies;
- Co-ordinating activities for maintaining current inventories of departmental information holdings;
- Reviewing and approving information collections in accordance with the government's new policy on information collections;
- Co-ordinating the preparation of information for management and Parliamentary reports as well as other material that may be required by central agencies.

The administration of the legislation in DRIE has also been facilitated at the branch and regional office level. Major organizational sectors have each appointed a liaison officer who normally reports to an Assistant Deputy Minister, Regional Executive Director, etc. Liaison officers assist their sectors by co-ordinating activities and providing guidance on the operation of the Acts and departmental directives and procedures. This includes providing assistance to applicants with their questions and requests under the legislation.

2.2. Processing of Formal Requests - Summary

The following summarizes the departmental process of dealing with formal access requests. All such requests are forwarded to the Access to Information and Privacy Office where they are reviewed for clarity and conformity with the legislation. Each request is then assigned to an organizational unit of the department. This unit is responsible for locating and retrieving the records containing the information sought and assists in determining the costs and fees associated with the processing of the request.

After review of the relevant records, the organizational unit is responsible for formulating recommendations on the disposition of the case. These are evaluated by the Access to Information and Privacy Office before a final recommendation is presented to senior management. Cases may be disposed of at the level of the Assistant Deputy Minister, Finance, Personnel and Administration; the Associate Deputy Minister; the Deputy Minister; or the Minister. This departmental review process is intended to provide an effective system of checks and balances in the treatment of Access to Information Act requests.

Once a decision has been rendered, the requestor is notified by the ATIP Office and the organizational unit arranges to provide access to all disclosable records. The processing of requests is illustrated in Appendix A.

2.3. Summary of Activities and Highlights

The total number of new requests received in 1986-87 showed a significant increase compared to 1985-86. A total of 96 new requests was received in 1986-87 while 17 requests were carried over from the previous reporting period, for a total of 113 requests.

During this period, about half of the completed Access to Information Act requests dealt with by DRIE involved third-party information, either in whole or in part. The

department is the recipient of considerable commercial, technical and financial third-party information. Included may be such things as business sales statistics and projections, market analyses and strategies, applied technology of industrial plants, customer and supplier lists and investment plans. While considerable third-party information is of a sensitive nature, DRIE has endeavoured to release as much information as possible consistent with the intent of the law and the severability provisions of section 25 of the Act. In about 63 percent of completed cases, information was in fact released either in whole, in part or on an informal basis.

Notwithstanding these efforts, there remained a number of cases where the department was prohibited from disclosing information falling within the purview of section 20 of the Act. This section accounts for the majority of exemptions claimed by the department.

The nature and source of information requested was such that consultations were often necessary with third parties or other government institutions. The complexity of these consultations necessitated, in some instances, extensions to the time limit prescribed by section 7 of the Act. Despite this, in close to 70 percent of completed cases, a response was provided in 30 days or under.

The number of complaints registered with the Information Commissioner in 1986-87 concerning actions of the department remained low. Five complaints were carried over from 1985-86 and ten new complaints were received by the department in 1986-87. Six complaints were disposed of by the end of the period and all were judged to be non-supportable by the Information Commissioner.

Two cases, which were the subject of an appeal to the Federal Court, were disposed of.

As indicated in the previous annual report, DRIE assists the Ministry of State for Science and Technology in discharging its responsibilities with regard to the administration of the Access to Information and Privacy Acts. This arrangement continued in 1986-87. The Ministry's activities under the legislation are the subject of a separate annual report.

Please see part 2.4. of this report for further details on the handling of access requests.

2.4. Statistical Report - Interpretation and Explanation

Appendix B provides a summarized statistical report on the Access to Information Act applications dealt with in the period from April 1, 1986, to March 31, 1987. The following endeavours to provide explanations and interpretations for information contained in this report.

I. Requests under the Access to Information Act

One hundred and thirteen (113) requests were dealt with during 1986-87. Of this total, 96 (85 percent) represented new requests received in this reporting period. Seventeen requests (15 percent) were carried forward from the previous year.

While keeping in mind the limitations faced with respect to available data, Appendix C attempts to categorize the requests received by DRIE in terms of known affiliations and geographical origin.

The department's statistics also reveal that one-half (50 percent) of completed requests concerned third-party information in some way or other.

II. Disposition of Requests Completed

Of the 113 requests dealt with, 98 (87 percent) were completed during the 1986-87 reporting period. It follows that 15 requests (13 percent) remained to be processed as of March 31, 1987. A completed request is defined as a request for which either a disclosure or denial of access has taken place. The completed requests were disposed of in the following manner:

Records All Disclosed

Of the 98 requests completed, the requestors were provided with total access to the relevant records in 23 cases.

Records Disclosed in Part

In another 33 instances, the requestors were granted partial access.

In summary, if the six cases where information was released on an informal basis are included, in about 63 percent of the cases access was given to all or part of the records. The cases

where no access was given were mostly attributable to situations beyond the control of the department (e.g., requests abandoned, requests transferred or records that did not exist).

Excluded Records

There was one request for which information could not be disclosed because all of the information was excluded under the Act.

Exempt Records

There were two requests for which information could not be disclosed because all of the information was exempted under the Act.

Transferred

Four of the 98 requests completed concerned records not under the control of this department. These requests were transferred to the appropriate government institution in accordance with the Act.

Unable to Process

The department was unable to process requests in four cases.

Insufficient Information

No requests fell into this category.

Abandoned

Of the completed access requests, 20 were eventually considered abandoned.

Does Not Exist

With respect to five of the completed requests, the information sought did not exist.

Treated Informally

In six cases, it was determined that the information could be released informally rather than through the formal procedures of the Act.

III. Exemptions Invoked

As will be noted from Appendix B, exemptions under sections 13, 14, 15, 16, 18, 19, 20, 21, 22, 23 and 26 of the Access to Information Act were invoked by the department in dealing with a number of cases. The Appendix is intended to show the types of exemptions invoked to deny access. For example, if in one request five different exemptions were used, this is reported as one exemption under each relevant section for a total of five. If the same exemption is used several times for the same request, it is reported only once.

IV. Exclusions Cited

The Access to Information Act does not apply to records considered confidences of the Queen's Privy Council pursuant to section 69 of the Act. As in the case of exemptions, Appendix B is intended to show the types of exclusions invoked to deny access. For example, if in one request five different exclusions were used, this is reported as one exclusion under each relevant section for a total of five. If the same exclusion is used several times for the same request, it is reported only once.

V, VI. Completion Time and Extensions

In 68.4 percent of completed cases, the department was able to respond within 30 days. In 27.5 percent of cases, the requests were completed in 60 days and 4.1 percent within 120 days.

Four requests involved more than 60 days completion time. This is explained by the fact that section 28 notifications under the Act were given to third parties in all four cases. Third-party notification and intervention rights are invoked under section 28 where the head of a government institution proposes to disclose information which he or she has reason to believe may contain information described in subsection 20(1) of the Act. As a result of these procedures, it is usually not possible to adhere to the 30-day time limit for responding to requests under section 7 of the Act. Extensions of this time limit are permitted under the Act.

VII. Translations

No translations were required in dealing with these requests.

VIII. Method of Access

In 53 cases, the requestors received copies of the material they were seeking. In one case the requestor was given access by way of examination of the original material. In two other cases, access was provided by a combination of copies and examination. It should be noted that this category only reflects those requests where information was "all disclosed" or "disclosed in part".

IX. Fees

The fees collected during the reporting period totalled \$837.21. It is the department's practice to waive fees where the total fees owing per request amount to less than \$25.00. Fees, as a result, were waived in 45 instances and represented the sum of \$281.15.

Fees collected in 1986-87 are estimated to represent 0.44 percent of the department's total costs shown below.

X. Costs

Total salary costs associated with Access to Information Act activities are estimated at \$168 318.05 for 1986-87. Other costs amounted to \$20 017.93 for a total of \$188 335.98. The associated person-year resources for 1986-87 are estimated as totalling 4.5. Because of the difficulty of collecting complete time costs from responsibility centres, the aforementioned figures are believed to be underestimated.

In keeping with government guidelines, DRIE was consulted by other government institutions in a number of cases where the records sought from these institutions related to the activities of the department. Sixteen such cases were the subject of consultation in 1986-87. The cost figures shown above include the resources used in dealing with these cases. However, statistics on these 16 cases are not otherwise reflected in other items of Appendix B.

XI. Complaints to Information Commissioner

Five complaints remained outstanding in 1985-86 and were carried forward into the 1986-87 reporting period. In addition to these outstanding complaints, ten new complaints were initiated in 1986-87.

Of the five complaints carried forward from 1985-86, four were dismissed by the Commissioner. Of these four, two dealt with the department's decision to refuse the disclosure of information. The third complaint dealt with fees, while the final complaint concerned a time extension. There was a further complaint that dealt with non-disclosure and this complaint is unresolved as of March 31, 1987.

With respect to the ten new complaints received during this reporting period, one concerned fees and one other dealt with a time extension. Both complaints were resolved. The Information Commissioner determined that both were unsupportable.

There were two complaints received from the same individual in this period. They concerned the question of non-disclosure of information. In both instances, the complaints are outstanding as of March 31, 1987.

In another instance, two complaints were lodged by the same applicant. One complaint related to non-disclosure and the other concerned a time extension authorized under the Act. These complaints are outstanding as of the end of the reporting period.

Regarding the four remaining complaints, all concerned the question of non-disclosure of information. These complaints remained unresolved as of March 31, 1987.

XII. Appeals to Federal Court

In the previous annual report, one appeal to the Federal Court of Canada was shown as outstanding. This appeal dealt with the department's decision to exempt from disclosure certain information contained in records dealing with government assistance provided to Maislin Industries Ltd. This appeal was later withdrawn by the appellant.

In 1986-87, the department was notified of an appeal filed with the Federal Court of Canada pursuant to section 41 of the Access to Information Act. This appeal dealt with the fee mechanism which the applicant felt had been used in such a way as to constitute a constructive refusal of access. The appeal was dismissed by the court.

2.5. Special Issues

Employee Awareness

The administration of the Access to Information and Privacy Acts involves a delicate balancing of rights and interests. This, coupled with the complex character of the legislation, has underlined the importance of employee sensitivity to the obligations imposed on government institutions.

As explained in previous annual reports, considerable efforts have been directed to preparing departmental staff for the implementation of the Access to Information and Privacy legislation, both before its enactment and afterwards. The legislation was widely disseminated throughout the department. A guide was issued to explain, in plain language, the requirements of the legislation. Early efforts to sensitize employees to their responsibilities were undertaken through detailed and frequent seminars. Seminars continue to be offered as the need arises. Moreover, all new DRIE employees are provided with a brochure summarizing the features of the legislation and departmental directives and procedures. Departmental awareness is also maintained through the policies and procedures contained in the Access to Information and Privacy manual. Part of this manual was up-dated in 1986-87 to provide greater guidance on the treatment of personal information. In addition, circulars continue to be issued for the purposes of reporting on significant cases dealt with by the federal Information and Privacy Commissioners and the Federal Court.

Formal/Informal Interface

The Access to Information Act is intended to complement, not replace, existing procedures and channels for access to government information. In fulfilling its mandate of fostering regional and industrial development, the department regularly collects, develops, analyzes and disseminates information to assist and inform the business community and the public in general. Generally, this information is made available readily to interested parties through sources such

as publications, press releases, special reports and press interviews. The use of these regular and informal channels is encouraged to the fullest extent possible. Public requests for such information are intended to be handled in the usual manner -- as distinguished from those requests made under the Access to Information Act.

In 1986-87, six formal access applications were ultimately treated as informal requests. In addition, the ATIP Office dealt with a number of informal written and verbal queries from the public, which were also disposed of on the same basis. No detailed statistics are available on the full time and costs associated with the latter.

Delegation of Authority

By virtue of section 3 of the Access to Information Act, the Minister of Regional Industrial Expansion is the head of the government institution for the purposes of the Act. Certain responsibilities have been delegated, pursuant to section 73 of the Act, to departmental officials to provide for some administrative flexibility. Appendix D lists the position titles of officials who were empowered to exercise a delegated authority, and includes the relevant section of the Act.

Fees

The Access to Information Act authorizes fees for certain activities related to the processing of formal requests under the Act. In addition to an application fee of \$5.00, search, preparation and reproduction charges may apply to various records. Current fees are specified in the Access to Information Regulations. No fees are imposed for reviewing records, for administrative overhead or for shipping costs. Moreover, in accordance with section 11 of the Act, no fees are charged for the first five hours required to search for a record or prepare any part of it for disclosure.

The \$5.00 application fee has been refunded when the information requested is available informally without charge.

The Access to Information Act permits fee waivers when this is deemed to be in the public interest. In accordance with Treasury Board guidelines, the department has routinely waived fees under \$25.00. With regard to fees over \$25.00, the department examines fee waiver requests on a case-by-case basis. In considering such requests, the department has, for example, taken into account costs in processing each access application and the degree of public benefit to be derived from the release of the disclosable information.

As indicated elsewhere in this report, the fees collected by the department have represented a small fraction of total costs in administering the legislation.

Reading Rooms

Section 71 of the Act requires government institutions to provide facilities where the public may inspect manuals used by employees of the institution in administering or carrying out programs or activities. In accordance with this section, reading rooms were established by the department at headquarters and all the regional offices in the summer of 1983. Departmental manuals, the department's entries for the Access Register and Personal Information Index, access request forms and general information for the public on how to exercise their rights under the Act are intended to be available through these facilities.

PART 3
REPORT ON THE PRIVACY ACT

3.1. Organization of Privacy Act Activities

Certain features that were common to the implementation of both the Access to Information and Privacy Acts are referred to in part 2 of the Access to Information Act Report. More particularly, please see part 2, section 2.1. of the Access to Information Act Report.

3.2. Processing of Formal Requests

The processing of formal requests under the Privacy Act is as described in part 2, section 2.2. of the Access to Information Act Report.

3.3. Summary of Activities and Highlights

As in past years, there were few requests made under the Privacy Act in 1986-87. Five requests were received in this period. No corrections or notations were sought by requestors pursuant to the terms of the Act. Two complaints were filed with the Privacy Commissioner. In no case was there an appeal to the Federal Court of Canada.

3.4. Statistical Report - Interpretation and Explanation

Appendix E provides a summarized statistical report on the requests for personal information received under the Privacy Act which were dealt with in the period from April 1, 1986, to March 31, 1987. The following endeavours to provide explanations and interpretations for information contained in this report.

I. Requests Under the Privacy Act

Five requests were received by DRIE during this reporting period. No requests remained outstanding from the previous reporting year. Four of the five applications were completed by March 31, 1987.

Appendix F categorizes, by province of origin, the requests for personal information received by DRIE.

II. Disposition of Requests Completed

All Disclosed

In two cases, the records requested were disclosed in their entirety.

Disclosed in Part

In two cases, the information requested was disclosed in part.

III. Exemptions Invoked

Exemptions were invoked pursuant to sections 26 and 27 of the Act in dealing with these requests.

IV. Exclusions

No exclusions were cited in dealing with these requests.

V. Completion Time

Three of the four cases were completed within 30 days.

VI. Extensions

In one case an extension was authorized under the Act for the purpose of consultation.

VII. Translations

No translations were required in dealing with these requests.

VIII. Method of Access

The requestors received copies of records requested in all four cases.

IX. Correction and Notation

No requests for a correction or notation were received.

X. Costs

Total salary costs associated with Privacy Act activities are estimated at \$18 930.71 for 1986-87. Other costs were estimated at \$2 446.43 for a total of \$21 377.14. The associated person-year resources for 1986-87 are estimated as totalling 0.4.

XI. Complaints to Privacy Commissioner

Two complaints filed by the same applicant were outstanding and carried forward to the 1986-87 reporting period. One complaint concerned the matter of the time extension invoked. The other dealt with non-disclosure of information. The first complaint was found by the Privacy Commissioner to be justified while the latter was determined unsupportable.

XII. Appeals to Federal Court

No appeals were filed with the Federal Court under the Privacy Act in 1986-87.

3.5. Special Issues

Employee Awareness

The importance of sensitizing employees to the requirements of the Privacy Act has been recognized. Please see section 2.5. of part 2 of the Access to Information Act Report concerning efforts directed in this area.

Formal/Informal Interface

The department is the recipient of personal information, including information about employees and other individuals such as applicants for loans and grants.

Access to the type of personal information that generally has been available to individuals has been continued without formal recourse to the Privacy Act. Where access cannot be granted through informal channels, individuals are informed of their rights to submit formal requests under the Act.

Delegation of Authority

By virtue of section 3 of the Privacy Act, the Minister of Regional Industrial Expansion is the head of the government institution for the purposes of the Act. Certain responsibilities have been delegated, pursuant to section 73 of the Act, to departmental officials in order to provide for some administrative flexibility. Appendix G lists the position titles of officials who were empowered to exercise a delegated authority and includes the relevant section of the Act.

Exempt Banks

No personal information bank has been designated as exempt in accordance with section 18 of the Privacy Act.

Disclosure under paragraph 8(2)(e) of the Privacy Act

The department did not receive any requests from the investigative bodies specified in the Regulations during this reporting period.

Through the department's Access to Information and Privacy Manual, staff have been advised that disclosures of information under paragraph 8(2)(e) are strictly regulated. Any requests for disclosure received under this provision are to be referred to the Senior Departmental Advisor of the Access to Information and Privacy Office for review. The Senior Departmental Advisor reviews the request with the senior official in the department responsible for the personal information bank or the personal information class containing the information sought.

Collection, Use and Disclosure of Personal Information

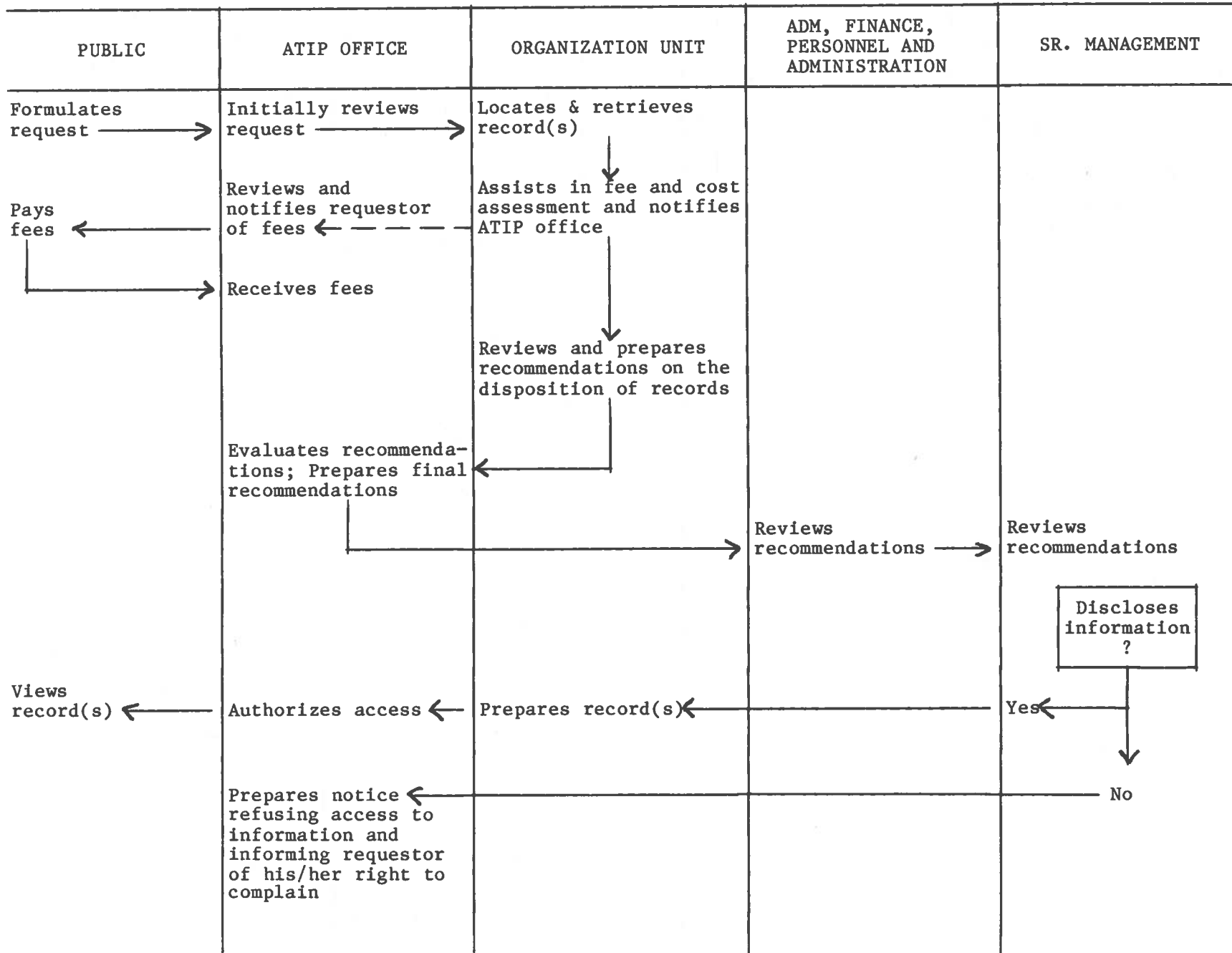
The department's Access to Information and Privacy Manual outlines the intent and requirements of the Privacy Act and Treasury Board guidelines regarding the collection, use, disclosure, retention and disposal of personal information so that all staff will be aware of their responsibilities for the proper management of information holdings. In particular, staff are informed of their responsibilities in ensuring that all uses and disclosures of personal information are recorded and accounted for, by documenting all activities relating to personal information and maintaining the relevant material on official departmental files.

Responsibility centres are also advised to consult with the departmental Access to Information and Privacy Office before collecting any personal information, as well as in situations where there is any doubt concerning the rules to apply in the retention and disposal of personal information. Further, the office must be notified where personal information in a personal information bank is used or disclosed for a use consistent with the purpose for which the information was obtained or compiled by the department, but where such a use is not included in the statement of consistent uses published in the government's Personal Information Index.

APPENDICES

APPENDIX A

PROCESSING REQUESTS FOR ACCESS TO INFORMATION





REPORT ON THE ACCESS TO INFORMATION ACT

Institution Regional Industrial Expansion	Reporting period April 1, 1986 - March 31, 1987
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Source

Me Ila	33	Academia	1	Business	24	Organization	12	Public	28
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I Requests under the Access to Information Act

Received during reporting period	96
Outstanding from previous period	17
TOTAL	113
Completed during reporting period	98
Carried forward	15

II Disposition of requests completed

1. All disclosed	23	6. Unable to process	4
2. Disclosed in part	33	7. Insufficient information	0
3. Nothing disclosed (excluded)	1	8. Abandoned	20
4. Nothing disclosed (exempt)	2	9. Does not exist	5
5. Transferred	4	10. Treated informally	6
TOTAL			98

III Exemptions invoked

S. 13(1) (a)		S. 16(1) (d)		S. 20(1) (c)	16
(b)		S. 16(2)		(d)	8
(c)	1	S. 16(3)		S. 21(1) (a)	13
(d)	2	S. 17		(b)	13
S. 14	2	S. 18 (a)	1	(c)	3
S. 15(1) Internat. rel.	7	(b)		(d)	
Defence		(c)		S. 22	1
Subversive activities		(d)	3	S. 23	5
S. 16(1) (a)		S. 19(1)	9	S. 24	
(b)		S. 20(1) (a)		S. 25	
(c)	1	(b)	15	S. 26	1

IV Exclusions cited

S. 68 (a)	
(b)	
(c)	
(d)	
S. 69(1) (a)	5
(b)	
(c)	
(d)	1
(e)	2
(f)	
(g)	2

V Completion time

30 days or under	67
31 to 60 days	27
61 to 120 days	4
121 days or over	

VI Extensions

	30 days or under	31 days or over
Searching		
Consultation	22	
Third party	5	4
TOTAL	27	4

VII Translations

Translation requested		
Translation prepared	English to French	
	French to English	

VIII Method of access

Copies given	53
Examination	1
Copies and examination	2

IX Fees

Net fees collected		
Application fees	440.00	
Reproduction	199.05	
Searching	79.91	
Preparation	71.75	
Computer processing	46.50	
TOTAL	837.21	
Fees waived	No. of times	\$
\$25.00 or under	45	\$281.15
Over \$25.00		\$

X Costs

Financial (all reasons)	
Salary	168,518.05
Administration (O and M)	20,17.93
TOTAL	188,335.98
Person year utilization (all reasons)	
Person year (decimal format)	4.5

XI Complaints to info. commissioner

Complaints activity	
Outstanding from previous period	5
No. initiated during reporting period	10
Number completed during period	6
Number carried forward	9

Complaints to information commissioner (con't)

Reasons for complaints	
Non-disclosure	7
Fees	1
Extension	2
Publication	
Denial of translation	
Time to prepare translation	
Other	
Certificates produced	

Complaints to information commissioner (con't)

Disposition of complaints	
Complaint unjustified	5
Concurrence with institution	1
No finding	
Recommendation accepted	
Recommendation rejected	

XII Appeals to Federal Court

Outstanding from previous period	1
Number initiated during period	1
Number completed during period	2
Number carried forward	

APPENDIX C

Requests Received under the Access to Information Act

<u>Affiliation Groups</u>	<u>No.</u>	<u>Percentage of Requests</u>
Media	32	33.3
Public	28	29.2
Business	23	24.0
Organization	12	12.5
Academia	1	1.0
	<hr/>	<hr/>
Total	96	100.0

<u>Geographical Origin</u>	<u>No.</u>	<u>Percentage of Requests</u>
Ontario	63	65.6
British Columbia	10	10.4
Quebec	9	9.4
New Brunswick	4	4.3
Alberta	3	3.1
Nova Scotia	3	3.1
Saskatchewan	2	2.1
Manitoba	1	1.0
Prince Edward Island	1	1.0
	<hr/>	<hr/>
Total	96	100.0

APPENDIX D

Delegation of Authority - Access to Information Act

<u>Position</u>	<u>Section(s) of Access to Information Act</u>
Associate Deputy Minister	11(1)(b), 11(2), 11(3), 11(4), 11(5), 11(6), 12(2), 13(1), 13(2), 14, 15, 16(1), 16(2), 16(3), 17, 18, 19(1), 19(2), 20(1), 20(2), 20(3), 20(5), 20(6), 21, 22, 23, 24(1), 26, 27, 28(1), 28(5)(a), 28(5)(b), 28(6), 28(8), 29(1)(b), 37(4), 43(1)
Assistant Deputy Minister Finance, Personnel and Administration	11(1)(b), 11(2), 11(3), 11(4), 11(5), 11(6), 12(2), 13(1), 13(2), 14, 15, 16(1), 16(2), 16(3), 17, 18, 19(1), 19(2), 20(1), 20(2), 20(3), 20(5), 20(6), 21, 22, 23, 24(1), 26, 27, 28(1), 28(5)(a), 28(5)(b), 28(6), 28(8), 29(1)(b), 37(4), 43(1)
Senior Departmental Advisor Access to Information and Privacy Office	7(a), 8(1), 9, 11(1)(b), 11(2), 11(3), 11(4), 11(5), 11(6), 12(2), 20(3), 28(1), 28(4), 28(5)(a), 28(6), 28(8), 29(1)(a), 29(1)(b), 33, 37(4), 43(1), 44(2)
Advisor Access to Information and Privacy Office	7(a), 8(1), 9, 11(1)(b), 11(2), 11(3), 11(4), 11(5), 11(6), 12(2), 20(3), 28(1), 28(4), 28(5)(a), 28(6), 28(8), 29(1)(a), 29(1)(b), 33, 37(4), 43(1), 44(2)



Institution Regional Industrial Expansion	Reporting period April 1, 1986 - March 31, 1987
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I Requests under the Privacy Act

Received during reporting period	5
Outstanding from previous period	0
TOTAL	5
Completed during reporting period	4
Carried forward	1

II Disposition of requests completed

1. All disclosed	2	6. Insufficient information	
2. Disclosed in part	2	7. Abandoned	
3. Nothing disclosed (excluded)		8. Does not exist	
4. Nothing disclosed (exempt)		9. Transferred	
5. Unable to process	1	TOTAL	4

III Exemptions invoked

S. 18 (2)		S. 21		S. 23 (b)	
S. 19 (1) (a)		S. 22 (1) (a)		S. 24	
(b)		(b)		S. 25	
(c)		(c)		S. 26	1
(d)		S. 22 (2)		S. 27	1
S. 20		S. 23 (a)		S. 28	

IV Exclusions cited

S. 69 (1) (a)	
(b)	
S. 70 (1) (a)	
(b)	
(c)	
(d)	
(e)	
(f)	

V Completion time

30 days or under	3
31 to 60 days	1
61 to 120 days	
121 days or over	

VI Extensions

	30 days or under	31 days or over
Interference with operations		
Consultation	1	
Translations		
TOTAL	1	

VII Translations

Translation requested		
Translation prepared	English to French	
	French to English	

VIII Method of access

Copies given	4
Examination	
Copies and examination	

IX Correction and notation

Corrections requested	Corrections made	Notation attached
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X Costs

Financial (all reasons)	
Salary	18,930.71
Administrative (O and M)	2,446.43
TOTAL	21,377.14
Person year utilization (all reasons)	
Person year (decimal format)	4

XI Complaints to privacy commissioner

Complaints activity	
Outstanding from previous period	2
Number initiated during period	0
Number completed during period	2
Number carried forward	0
Reasons for complaints	
Use and disclosure	
Non disclosure	
Extension	
Publication	
Denial of translation	
Time to prepare translation	
Other	

Complaints to privacy commissioner (con't)

Disposition of complaints	
Complaint unjustified	1
Concurrence with Institution	
No finding	
Recommendation accepted	1
Recommendation rejected	
Number of new exempt banks	
XII Appeals to Federal Court	
Outstanding from previous period	
Number initiated during period	
Number completed during period	
Number carried forward	

APPENDIX F

Requests Received under the Privacy Act

<u>Provinces of Origin</u>	<u>No.</u>	<u>Percentage of Requests</u>
Manitoba	2	40.0
Quebec	2	40.0
British Columbia	1	20.0
	<hr/>	<hr/>
Total	5	100.0

APPENDIX G

Delegation of Authority - Privacy Act

<u>Position</u>	<u>Section(s) of the Privacy Act</u>
Associate Deputy Minister	8(2)(m), 17(2), 18(2), 19(1), 19(2), 20, 21, 22(1), 22(2), 23, 24, 25, 26, 27, 28
Assistant Deputy Minister Finance, Personnel and Administration	8(2)(m), 17(2), 18(2), 19(1), 19(2), 20, 21, 22(1), 22(2), 23, 24, 25, 26, 27, 28
Senior Departmental Advisor Access to Information and Privacy Office	8(5), 14(a), 15, 17(2)
Advisor Access to Information and Privacy Office	8(5), 14(a), 15, 17(2)