



2023–2024
Annual Report on the
Access to Information Act

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Introduction

Purpose

The *Access to Information Act* (Revised Statutes of Canada, 1985, Chapter A-1) was proclaimed 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.

Section 94 of the *Access to Information Act* requires that the head of every government institution prepare, for submission to Parliament, an annual report on the administration of the Act within the institution during each financial year.

Section 20 of the *Service Fees Act* requires a responsible authority to report annually to Parliament on the fees collected by institutions.

This annual report is tabled in Parliament pursuant to section 94 of the *Access to Information Act* and section 20 of the *Service Fees Act* and describes how Innovation, Science and Economic Development Canada (ISED) administered its responsibilities for the reporting period.

Institutional Mandate

ISED helps Canadian businesses grow, innovate, and expand so they can create good-quality jobs and wealth for Canadians. It also supports science research and the integration of scientific considerations into investment and policy choices. The Department helps small businesses grow through trade and innovation and promotes increased tourism in Canada. It also works to position Canada as a global centre for innovation where investments support clean and inclusive growth, the middle class prospers through more job opportunities, and companies become global leaders.

ISED's efforts focus on improving conditions for investment, supporting science, helping small and medium-sized businesses grow, building capacity for clean and sustainable technologies and processes, increasing Canada's share of global trade, promoting tourism, and building an efficient and competitive marketplace.

In 2023–2024, ISED supported five ministers:

- the Minister of Innovation, Science and Industry;
- the Minister of Export Promotion, International Trade and Economic Development;
- the Minister of Rural Economic Development and Minister responsible for the Atlantic Canada Opportunities Agency;
- the Minister Tourism and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec; and
- the Minister of Small Business.

The Department also supported two deputy ministers and one associate deputy minister.

The Department has no non-operational subsidiaries. All ISED Portfolio agencies and associated agencies that are subject to the *Access to Information Act*, will table separate reports in Parliament on their relative institutional administration of the Act.

For more information on the Department's organizational mandate letter commitments, see the [ministers' mandate letters](#) section of the Prime Minister's website.

Organizational Structure

Access to Information and Privacy (ATIP) Services is part of the Office of the Corporate Secretary at ISED. The ATIP team has a complement of 22 employees, consisting of one director at the executive level, three managers, and 18 advisors at various levels, from team leader to junior officer, all of whom are dedicated to processing access to information (ATI) and privacy requests and performing related functions (e.g., proactive publication, policy, training, administration, and outreach).

ATIP Services is responsible for the implementation and management of programs and services relating to the administration of the *Access to Information Act* and the *Privacy Act* for the Department. Specifically, ATIP Services makes decisions on the disposition of ATI and privacy requests; promotes awareness of the legislation to ensure departmental responsiveness to statutory obligations; monitors and advises on departmental compliance with the Acts, regulations, procedures, and policies; and represents ISED on ATIP matters when dealing with the Treasury Board of Canada Secretariat (TBS), the Office of the Information Commissioner of Canada, the Office of the Privacy Commissioner of Canada, the Privy Council Office, and other government institutions. ATIP Services is also responsible for consulting with other federal departments and third parties with respect to ATIP requests.

The Director of ATIP Services is responsible for the development, coordination, and implementation of effective policies, guidelines, and procedures to manage ISED's compliance with the Acts, including with proactive publication requirements, pursuant to part II of the *Access to Information Act*. The administration of the legislation within the Department is managed by ATIP Services, but is also facilitated at the sector, branch, and regional office levels. Each sector and corporate branch has an ATIP liaison officer (reporting to an assistant deputy minister, executive director, etc.) who coordinates activities and provides guidance on the administrative processes and procedures of the Acts. ATIP Services, which is located in Ottawa, responds to all formal requests submitted to the Department under both Acts.

Information on how ISED's proactive publication responsibilities are structured, is detailed under the Proactive Publications section, beginning on page 13 of this report.

Section 96 of the *Access to Information Act* permits institutions reporting to the same minister to enter into agreements with each other for the purpose of sharing ATIP resources and capacity. However, ISED currently has no such agreements in place.

Delegation of Authority

The ATIP Delegation Order in effect on the last day of this reporting period was approved on May 18, 2021. Pursuant to subsection 95(1) of the *Access to Information Act* and subsection 73(1) of the *Privacy Act*, that delegation instrument provides full authority to the Deputy Minister and Corporate Secretary as well as to the ATIP Services Director and managers (see Annex B).

Performance

Responses Within Legislated Timelines

In 2023–2024, 882 access to information requests were brought to conclusion (31% less than the previous year's 1,280 closures). Of these, 506 were concluded within legislated timelines, resulting in on-time performance of 57% (the same on-time performance achieved in the previous year).

Factors Affecting Performance

- Completion of informal cases: In 2023-2024, ISED completed 1,605 informal requests for copies of information previously released under the *Access to Information Act*, including an extraordinary backlog of 1,239 such cases carried over from the previous year.
- Of the 882 requests concluded in 2023-2024, some 160 were in respect of requests received between 2017 and 2023 that had already passed their respective legislative due dates. Every request closed, that is already late, has the effect of further lowering on-time performance metrics. For example, had ISED not closed these 160 backlogged (late) cases, its on-time performance would have risen from 57% to 70%.
- Proactive Publication: ISED's ATIP Services published 919 briefing note titles and reference numbers, as required by the *Access to Information Act's* proactive publication provisions. In addition, ISED ministers appeared before various committees of Parliament on five occasions, the briefing materials for which required full disclosure. These efforts are in addition to other proactive publication reviews, such as those for Question Period cards, transition briefing materials, monthly disclosures of completed ATI requests, and departmental audit and evaluation reports. Proactive publication requirements continue to impact ATIP Services' human resources significantly.
- Parliamentary Committee Motions for the Production of Papers: While the department aims to release as much information as possible in response to such Parliamentary requests, the proposed records to be released are reviewed by ATIP employees prior to disclosure to ensure that the principles of the ATIP legislation are respected, specifically, to ensure there are no inadvertent disclosures of proprietary, third party business

information, personal information, or other information that might compromise Canada’s economy, security, or international affairs. ISED was the subject of three Parliamentary Committee motions for the production of information in 2023-2024, which resulted in the review of 1,009 pages. The review and correlated administrative processing significantly impacted the ATIP Services Branch.

- Parliamentary (Order Paper) Questions: Similar to motions, though not subject to ATIP legislation, the proposed responses to parliamentary questions are also reviewed by ATIP employees prior to disclosure, to ensure there are no inadvertent disclosures of proprietary third-party business information, personal information, or other information that might compromise Canada’s economy, security, or international affairs. ATIP employees analyzed proposed responses for 246 such questions this year.

Multi-Year Trends

ISED received a total of 941 new ATI requests in 2023–2024, compared to 1,141 new requests in 2022-2023. This represents an 18% decline, year-over-year. In addition, 1,349 incomplete requests were carried from the previous fiscal year into 2023-2024 (see the table under the section, Requests Outstanding and Carried-Forward, that follows). This resulted in a total caseload in 2023-2024 of 2,290 requests (941 plus 1,349).

Of these 2,290 requests, 882 were closed during the 2023-2024 reporting period, and 1,408 were carried forward into 2024-2025. These 1,408 cases represent a 4% increase to the 1,349 cases that were carried forward from 2022-2023.

Additionally, ISED managed 225 consultation requests from other Government of Canada institutions and other organizations (182 new during the reporting period and 43 that were carried over from the previous year). This represents a 12% decrease compared with last year’s consultation case load of 255 requests. Of the current 225 consultation requests, 202 were closed (5% fewer than last year’s 212 closures) and 23 were carried forward to 2024–2025.

The Department also received 429 informal requests for copies of previously released ATI requests, a 76% decrease from last year’s 1,763 informal requests.

Requests Outstanding and Carried-Forward

Requests Outstanding (Carried-in from 2022-2023):

Fiscal Year Requests Were Received	Open Requests that were <u>Within</u> Legislated Timelines as at March 31, 2023	Open Requests that were <u>Beyond</u> Legislated Timelines as at March 31, 2023	Total
2022-2023	202	260	462
2021-2022	69	348	417
2020-2021	31	277	308

2019-2020	5	94	99
2018-2019	4	37	41
2017-2018	0	22	22
Total	311	1,038	1,349

Requests Carried-Forward (Carried-out to 2024-25):

Fiscal Year Requests Were Received	Open Requests that were <u>Within</u> Legislated Timelines as at March 31, 2024	Open Requests that were <u>Beyond</u> Legislated Timelines as at March 31, 2024	Total
2023-2024	236	205	441
2022-2023	22	231	253
2021-2022	44	280	324
2020-2021	19	235	254
2019-2020	3	80	83
2018-2019	4	30	34
2017-2018	0	19	19
Total	328	1,080	1,408

Complaints

Information on complaints is detailed under the section *Key Issues and Actions Taken on Complaints*, beginning at page 16 of this report.

Number of Pages Processed

The total volume of pages of information processed in 2023-2024 was 148,051 pages, including:

- 137,862 pages from Access to Information requests; and
- 10,189 pages from Consultation requests

This represents an increase of less than 1% as compared to last year's total processed page count of 147,563.

Completion Times for Closed Requests

The 882 ATI requests closed by ISED during the reporting period were completed within the following timeframes:

- 168 within 1 to 15 days (19%)
- 209 within 16 to 30 days (24%)

- 77 within 31 to 60 days (9%)
- 114 within 61 to 120 days (13%)
- 64 within 121 to 180 days (7%)
- 75 within 181 to 365 days (8%)
- 175 more than 365 days (20%)

Disposition of Requests

The disposition of the 882 completed ATI requests is as follows:

- 135 were fully disclosed (16%)
- 515 were disclosed in part (58%)
- 137 had no existing records (16%)
- 38 were abandoned (4%)
- 29 were transferred (3%)
- 9 were all exempted (1%)
- 19 were all excluded (2%)

Records were fully disclosed in 16% of cases, 4% higher than the 12% of full-disclosure cases in 2022–2023, while 58% were disclosed in part, 3% less than the 61% of partial disclosure cases in the previous year. Records were fully exempted and excluded in 1% and 2% of requests, respectively, similar to 2022–2023.

Limits to the Right of Access – Exemptions and Exclusions

Exemptions in accordance with sections 13 through 26 of the *Access to Information Act* were invoked by the Department as outlined in the Annual Statistical Report at Annex A. Several exempting provisions can be applied to withhold information in response to one request, and these are reported separately in the statistical report. However, the same exempting provision invoked to withhold information more than once within the same request is reported only once in the statistical report. The following are those most frequently used:

- section 19 (personal information): 200 uses
- section 20 (third-party information): 440 uses
- section 21 (advice to government): 738 uses

The Department has several statutory exempting provisions recognized under the *Access to Information Act*, pursuant to section 24. Such exemptions are most frequently applied to information relating to the *Competition Act* and the *Investment Canada Act*, and ISED invoked section 24 of the *Access to Information Act* on 24 occasions during the reporting period.

The *Access to Information Act* does not apply to published material, material available for purchase by the public (section 68 of the Act), or confidences of the Queen’s Privy Council for Canada (Cabinet confidences) (section 69 of the Act). Annex A shows the frequency these

exclusions were invoked, and include 15 occasions to exclude published material and 271 occasions to protect Cabinet confidentiality.

Sources of Requests

As in the previous year, the media and the public-at-large were the most frequent types of requesters, representing 60% of all new requests received in 2023–2024 (42% and 18%, respectively). The business community, ranked in third-place, with 7% of requests, with the academic community ranking fourth, with 2%. Requesters who declined to self-identify with a “requester type” rose to 30%, from its 22% share in the previous year.

Organizations submitted the fewest requests, at three (less than 1% of the overall volume).

Extensions

In 2023-2024, ISED invoked extensions on ATI requests on 249 occasions for different reasons and lengths.

Consultations with Legal Services accounted for 13 of the extensions (5%); negotiating with or awaiting on approvals of other government institutions and/or third parties accounted for 160 cases (64%); and a large volume of records, where complying with legislated timelines would have unreasonably interfered with operations, was cited for the remaining 76 extensions (31%).

The lengths of the extensions taken were as follows:

- 30 days or less, 67 cases (27%)
- 31 to 60 days, 63 cases (26%)
- 61 to 120 days, 58 cases (23%)
- 121 to 180 days, 53 cases (21%)
- 181 to 365 days, 5 cases (2%)
- More than 365 days, 3 cases (1%)

Topics and Formats of Information Requested

As in the previous year, requests pertaining to ISED funding programs ranked as the number one, most-requested subject, with 144 requests (15% of new cases). Business issues ranked in the number two place, with 127 requests (14% of volume), with telecommunications issues—in second-place last year—coming in third, with 71 requests (7% of volume). The remaining 599 requests, representing the final 64% of cases, pertained to a combination of other ISED business, such as lobbying, contracts and expenses, intellectual property, competition, science, bankruptcy and insolvency, international relations, and the automotive and aerospace sectors.

The most requested format of information continues to be, overwhelmingly, in the form of briefing notes. This year saw 512 requests for information in the form of briefing notes (representing 54% of new requests), down from 61% in the previous year.

Year	2023–24	2022–23	2021–22	2020–21	2019–20
Total New Requests	941	1,141	1,206	1,475	913
Requests for Briefing Notes	512 54%	698 61%	886 73%	987 67%	475 52%

Consultations Completed for Other Institutions

ISED managed a case load of 225 consultation requests from other departments and institutions, including 182 newly received during the year and 43 that were carried over from the previous year. Of the total case load of 225 cases, the Department completed 202 requests (5% fewer than the previous year’s 212 completed requests) and carried forward 23 cases to the new year.

Of the 202 completed access consultations, ISED recommended disclosure, in full or in part, for 185 cases (92%), with exemptions or other actions being recommended for the remaining 17 cases (8%).

With respect to the processing times of consultations, 140 cases (69%) were completed within two months. A further 39 cases (19%) took up to four months to complete and 12 cases (6%) between four and 12 months to complete. Eleven requests (6%) took longer than a full year to complete.

Annual Statistical Report

TBS prescribes requirements for annual statistical reports on the *Access to Information Act*, which must comprise part of the corresponding annual reports to Parliament. ISED’s Annual Statistical Report on the *Access to Information Act* is enclosed with this report as Annex A.

Training and Awareness

Enhanced awareness and knowledge of ATIP obligations on the part of departmental officials has shown to improve the quality of responses and ISED’s rate of compliance with legal obligations.

Throughout 2023–2024, ATIP Services delivered numerous training and awareness sessions to employees across the Department on both the *Access to Information Act* and the *Privacy Act*

(and their requirements). In total, 20 training sessions relating to access to information and/or privacy were delivered to 798 employees, as follows:

- **ATIP 101 at ISED:** An overview of the legislation, associated timelines, and processes, as well as the role of the Department, the courts, and the Information and Privacy Commissioners of Canada, combined with a more in-depth look at the exempting and excluding provisions of the *Access to Information Act*, focusing on the top three such provisions used most frequently at ISED, and how to identify information pertaining to those provisions. This session is also offered in a modified format, on-demand, to focus solely on either the *Access to Information Act* or the *Privacy Act*.
 - 14 sessions, 593 participants
- **Personal Information Boot Camp:** Comprehensive training focused solely on the *Privacy Act* and its related policy requirements, including the concept of ‘informed consent,’ privacy notice statements, privacy impact assessments, and privacy breach administration. This includes an in-depth look at the type and volume of personal information that exists within the Department and the requirements surrounding the collection and use of personal information in relation to ISED and other Government of Canada programs.
 - 1 session, 66 participants
- **Briefing Notes for Proactive Publication:** In 2023-2024, ISED launched a new training series for its Sector ATIP Liaison Officers and other Administrative Officers, on preparing briefing note titles and reference numbers for proactive publication, pursuant to Part II of the *Access to Information Act*. This series teaches employees how to effectively manage briefing notes in ISED’s correspondence management system, how to prepare information for publication, and how to identify exceptions and exclusions to content intended for publication, such as third party information, and cabinet confidences.
 - 5 sessions, 139 participants

Employee response to ATIP training has remained overwhelmingly positive. In 2023-2024, 69% of survey respondents indicated they would recommend the same training to another colleague (the remaining 31% of survey respondents did not answer this question), while 86% indicated their knowledge of ATIP improved moderately or substantially, by attending.

Mandatory training is tracked by ISED’s Human Resources practitioners and individual team managers to ensure participation, and the department has made its ‘Enhanced Training for ATIP Practitioners’ available on its ATIP intranet site, where all employees can access and reference the material.

Policies, Guidelines, and Procedures

To improve the administration of the ATIP program and to ensure that TBS ATIP policies are respected and implemented, ATIP Services collaborates with both internal and external stakeholders on a continuous basis. In 2023-2024, these collaborations included:

- Ad hoc all-staff meetings and semi-monthly management team meetings to discuss emerging and ongoing operational and policy issues;
- Ongoing collaboration with ISED stakeholders on the effective processing of ATIP requests; and
- Monthly teleconferences with the Office of the Information Commissioner, resulting in streamlined processes.

In addition, new policies, procedures and business practices were developed (or existing ones were updated) throughout the year, as enhancements, or to comply with various TBS directives and policies. These included:

- New policy on accessing the *Microsoft Outlook* email accounts of absent employees, for the purpose of responding to Access to Information requests;
- ATIP Mythbusters – Debunking ATIP Fables, Tales and Urban Legends;
- *Info Source* 2024 Update;
- New training on ATIP Extensions of Time Limits;
- New training on Managing ATIP Call-outs and Retrievals; and
- New training on Managing Briefing Notes for Proactive Publication.

ATIP Services also continues to enhance its intranet site—where all departmental employees can access plans, reports, acts, regulations, policies, directives, training decks, procedures, and checklists in one convenient place.

Proactive Publications

For the purpose of proactive publications (pursuant to part II of the *Access to Information Act*), ISED is considered a “government institution” (officially, the “*Department of Industry*”) pursuant to schedule I of the *Financial Administration Act*.

With specific regard to proactive publications, as required under Part II of the *Access to Information Act*, ISED distributes operational responsibilities between relevant sectors. For example, the ATIP Services Branch leads on, and facilitates the proactive publication of briefing note titles and reference numbers, sharing validation duties with the relevant sectors that produced the content. The Branch further facilitates the proactive publication of reports tabled in Parliament, and conducts prepublication reviews of Question Period notes, which are published by ISED’s Strategic Communications and Marketing Sector. The Strategy and Information Policy Sector leads on and coordinates the proactive publication of transition briefing materials, with assistance from the ATIP Services Branch. The Office of the Corporate Secretary leads on the proactive publication of materials used for appearances before

Committees of Parliament, while all financial and HR-related proactive publications are facilitated by the Corporate Management Sector. Compliance for all departmental proactive publications is verified by the ATIP Services Branch.

The following table shows the proactive publication requirements that were incumbent on ISED during the reporting period, the frequency at which ISED was required to publish each requirement, and the internet location at which each can be found:

Legislative Requirement	Section	Publication Timeline	Institutional Requirement
All Government Institutions as defined in section 3 of the <i>Access to Information Act</i>			
Travel Expenses https://search.open.canada.ca/travel/	82	Within 30 days after the end of the month of reimbursement	12 lots
Hospitality Expenses https://open.canada.ca/en/search/hospitality	83	Within 30 days after the end of the month of reimbursement	10 lots*
Reports tabled in Parliament https://ised-isde.canada.ca/site/atip-services/en/references	84	Within 30 days after tabling	4 items
Government entities or Departments, agencies, and other bodies subject to the Act and listed in Schedules I, I.1, or II of the <i>Financial Administration Act</i>			
Contracts over \$10,000 https://search.open.canada.ca/contracts/	86	Q1-3: Within 30 days after the quarter Q4: Within 60 days after the quarter	4 lots
Grants & Contributions over \$25,000 https://search.open.canada.ca/grants/	87	Within 30 days after the quarter	4 lots
Packages of briefing materials prepared for new or incoming deputy heads or equivalent	88(a)	Within 120 days after appointment	N/A
Titles and reference numbers of memoranda prepared for a deputy head or equivalent, that is received by their office https://search.open.canada.ca/briefing_titles/	88(b)	Within 30 days after the end of the month received	12 lots
Packages of briefing materials prepared for a deputy head or equivalent's appearance before a committee of Parliament https://ised-isde-canada.ca/site/transparency/en/parliamentary-committee-briefing-materials	88(c)	Within 120 days after appearance	1 item
Government institutions that are departments named in Schedule I to the <i>Financial Administration Act</i> or portions of the core public administration named in Schedule IV to that Act (i.e. government institutions for which Treasury Board is the employer)			
Reclassification of positions https://open.canada.ca/en/search/reclassification	85	Within 30 days after the quarter	4 lots

* There were two months for which no such expenses were incurred and subsequently, no proactive publication was required.

Ministers			
Packages of briefing materials prepared by a government institution for new or incoming ministers Transition materials: Innovation, Science and Economic Development Canada	74(a)	Within 120 days after appointment	2 items
Titles and reference numbers of memoranda prepared by a government institution for the minister, that is received by their office https://search.open.canada.ca/briefing_titles/	74(b)	Within 30 days after the end of the month received	12 lots
Package of question period notes prepared by a government institution for the minister and in use on the last sitting day of the House of Commons in June and December https://search.open.canada.ca/qpnotes/	74(c)	Within 30 days after last sitting day of the House of Common in June and December	2 lots
Packages of briefing materials prepared by a government institution for a minister's appearance before a committee of Parliament https://ised-isde.canada.ca/site/transparency/en/parliamentary-committee-briefing-materials	74(d)	Within 120 days after appearance	4 items
Travel Expenses https://search.open.canada.ca/travel/	75	Within 30 days after the end of the month of reimbursement	12 lots
Hospitality Expenses https://open.canada.ca/en/search/hospitalityq	76	Within 30 days after the end of the month of reimbursement	N/A
Contracts over \$10,000 https://search.open.canada.ca/contracts/	77	Q1-3: Within 30 days after the quarter Q4: Within 60 days after the quarter	N/A
Ministers' Offices Expenses *Note: This consolidated report is currently published by TBS on behalf of all institutions. https://open.canada.ca/en/expenditures-ministers-offices	78	Within 120 days after the fiscal year	1 item

Of the 84 items and lots ISED was required to proactively publish during the reporting period, 100% were published on-time, pursuant to legislative requirements.

Initiatives and Projects to Improve Access to Information

- ISED continues to subscribe to the ATIP Online Management Tools (AOMT) platform, and to implement change management processes for each update released by the Treasury Board of Canada Secretariat.

- At the time of this report, the ATIP Services Branch is testing an artificial intelligence (AI) tool, provided by Agriculture and Agrifood Canada, to identify duplicate documents, and is working with ISED’s new AI Acceleration Hub on efforts to improve the tool, to make it more efficient for ISED’s needs.
- At the request of ISED employees, the ATIP Services Branch developed the following new training products in 2023-2024 and made them available to all employees on its intranet site:
 - New training on ATIP Extensions of Time Limits;
 - New training on Managing ATIP Call-outs and Retrievals; and
 - New training on Managing Briefing Notes for Proactive Publication

Key Issues and Actions Taken on Complaints

Applicants have the right to register a complaint with the Office of the Information Commissioner of Canada regarding any matter relating to the processing of their requests, and several complaints can be linked to the same request.

ISED received 31 new complaint notices during the reporting period, as compared to 38 during 2022–2023, seven less than in the previous year. These 31 complaints represent 3.3% of the total ATI requests received for this reporting period (and 3.5% of the total requests closed). The types of complaints received have been identified in the table below.

The Information Commissioner issued findings on 15 complaint investigation during the reporting period. Where complaints are “well founded”, ISED implements recommendations or fulfills orders issued by the Commissioner, aimed at resolution. A further 27 complaints were either discontinued by the plaintiff, or ceased to be investigated by the Commissioner. The nature of these complaints, their findings, and other concluding reasons are summarized as follows:

Complaint type	Received	Completed	Findings
Refusal – exemptions	5	10	2 – Ceased to investigate 3 – Discontinued 3 – Not well founded 2 – Well founded
Refusal – general (i.e., missing information, inadequate search, no records, etc.)	1	4	2 – Discontinued 1 – Not well founded 1 – Well founded
Unjust length of extension	11	4	4 – Ceased to investigate
Delay	14	24	16 – Ceased to investigate 8 – Well founded
Total	31	42	

Note: Some of the completed complaints include cases that were in progress during prior fiscal years and therefore do not all represent 2023-2024 complaints (see the table under: Total Outstanding Complaint Inventory by Year Received, that follows).

No audits relating to the administration of the *Access to Information Act* were conducted during the reporting period.

Total Outstanding Complaint Inventory by Year Received

Fiscal Year Complaints Were Received	Number of Outstanding Complaints
2023-2024	14
2022-2023	7
2021-2022	3
2020-2021	3
2019-2020	0
2018-2019	3
Total	30

Fees and Operating Costs

Access to Information 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 under the *Access to Information Act*, the information below is reported in accordance with the requirements of section 20 of the *Service Fees Act*.

Enabling authority:	The <i>Access to Information Act</i>
Fee payable:	A \$5 application fee is the only fee charged for an Access to Information Request
Total revenue:	\$2,440 (collected for 488 of the 941 new requests received)
Fees waived or refunded:	\$2,265 (waived for 453 of the 941 new requests received) *

* To help ensure that requests are more manageable in volume and delivered in a more timely fashion, large requests for voluminous information or those that touch upon multiple or complex subjects are separated into multiple requests, and the application fees are waived in respect of those multiplied requests. For example, when ISED receives a single request for two items, where one item is simple, and can be released quickly, but the other is complex and will require an extension, the request is separated into two unique requests so as not to delay the release of

the simple item due to the complexity of processing the other. The separation is solely an administrative action, which benefits both ISED and the applicant. However, the separation itself automatically necessitates a second \$5 fee (in case management systems) which ISED treats as ‘notional’ and subsequently reverses (waives). Of the 941 Access to Information requests ISED received in 2023-24, 453 were separated out of their original requests solely for ease of processing; hence, the reason for waiving 453 of the 941 application fees logged for that year. This is a common, administrative practice employed by ATIP offices across government.

Operating Costs

The cost of delivering ISED’s Access to Information program and services for 2023–2024 was \$2,044,483, based on salary costs and operating expenses, representing a 9% decrease under last year’s costs.

Salary costs for 2023–2024 totalled \$1,951,492, equating to 19.84 full-time employees (FTEs), including students, when averaged over the year, representing a decrease of 1.809 FTEs below last year’s 21.649 (when averaged over the entire year) due mainly to attrition.

Operating expenses (software licenses, stationery, postage, etc.) for the year totalled \$92,991, representing an overall decrease of 78% below last year’s \$419,227. Of this decrease, 100% is attributed to costs for consultants that were engaged in 2022-2023, to assist with backlogged policy and access to information cases, that were not re-engaged in 2023-2024.

Monitoring Compliance

With respect to monitoring the processing time of requests, ATIP Services has a number of measures in place. ATIP Services has continued the following business practices:

- Managers regularly review and monitor the status of access requests using the ATIP case management system;
- Managers regularly review the status of consultation processes on access requests to ensure inter-institutional consultations are only conducted when required to properly exercise discretion, or where ISED intends to disclose information;
- Managers conduct weekly bilateral meetings with staff to review work plans and establish priorities; and
- Managers report weekly to the Director on requests to be closed as well as on-time compliance and issues delaying or otherwise affecting processing.

Further:

- ATIP Services has an escalation process to address delays in responses to taskings;
- ATIP Services management meets on a regular basis with representatives of the Office of the Information Commissioner to address outstanding complaints and learn new approaches that could increase compliance and avoid future complaints; and

- ATIP training sessions address and reinforce the importance of respecting the legislated 30-day timeline.

With respect to the most frequently requested types and subjects of information, the ATIP Services Branch prepares an annual analysis, pursuant to requirement 4.1.44 of the *TBS Directive on Access to Information Requests*, detailing the information most frequently requested through Access to Information requests received by ISED, and the projected human and financial resources that would be necessary to make that information more readily available by other means.

With respect to ensuring the right of public access to information, pursuant to requirement 4.2.8 of the *TBS Directive on Access to Information Requests*, the ATIP Services Branch has prepared guidance on the use of Non-Disclosure Agreements and disclosure of third party information, in the context of contracting, and has made that guidance available on its intranet site for the knowledge of all ISED employees.

With respect to the monitoring of Proactive Publications for accuracy and completeness, ISED's Proactive Publication Matrix details both the departmental area responsible for facilitating publication of each required item, as well as the names of the employees (and their areas) responsible for compiling, approving and publishing information. In most cases, information for proactive publication is prepared by an analyst, then approved by a Director or Director-General prior to being published.

Additionally, the following new and updated procedures and policy guidance issued in 2023-2024 pertain to issues of compliance:

- New policy on accessing the *Microsoft Outlook* email accounts of absent employees, for the purpose of responding to Access to Information requests;
- ATIP Mythbusters – Debunking ATIP Fables, Tales and Urban Legends;
- *Info Source* 2023 Update, for June, 2024 publication;
- New training on ATIP Extensions of Time Limits;
- New training on Managing ATIP Call-outs and Retrievals;
- New training on Managing Briefing Notes for Proactive Publication;
- Others, in relation to Privacy management.

ANNEX A

Annual Statistical Report on the *Access to Information Act*

Name of institution: Innovation, Science and Economic Development Canada

Reporting period: 2023-04-01 to 2024-03-31

Section 1: Requests Under the *Access to Information Act*

1.1 Number of requests

		Number of Requests
Received during reporting period		941
Outstanding from previous reporting periods		1349
• Outstanding from previous reporting period	462	
• Outstanding from more than one reporting period	887	
Total		2290
Closed during reporting period		882
Carried over to next reporting period		1408
• Carried over within legislated timelines	324	
• Carried over beyond legislated timelines	1084	

1.2 Sources of requests

Sources	Number of Requests
Media	398
Academia	19
Business (private sector)	67
Organization	3
Public	167
Decline to Identify	297
Total	941

1.3 Channels of requests

Source	Number of Requests
Online	825
E-mail	109
Mail	7
In-person	0
Telephone	0
Facsimile	0
Total	941

Section 2: Informal Requests

2.1 Number of informal requests

		Number of Requests
Received during reporting period		429
Outstanding from previous reporting periods		1239
• Outstanding from previous reporting period	1239	
• Outstanding from more than one reporting period	0	
Total		1668
Closed during reporting period		1605
Carried over to next reporting period		63

2.2 Channels of informal requests

Source	Number of Requests
Online	358
E-mail	71
Mail	0
In-person	0
Telephone	0
Facsimile	0
Total	429

2.3 Completion time of informal requests

Completion Time							
1-15 Days	16-30 Days	31-60 Days	61-120 Days	121-180 Days	181-365 Days	+ 365 Days	Total
86	90	112	99	1	378	839	1605

2.4 Pages released informally

Less Than 100 Pages Released		100-500 Pages Released		501-1000 Pages Released		1001-5000 Pages Released		+ 5000 Pages Released	
# of Requests	Pages Released	# of Requests	Pages Released	# of Requests	Pages Released	# of Requests	Pages Released	# of Requests	Pages Released
0	0	0	0	0	0	0	0	0	0

2.5 Pages re-released informally

Less Than 100 Pages Re-released		100-500 Pages Re-released		501-1000 Pages Re-released		1001-5000 Pages Re-released		+ 5000 Pages Re-released	
# of Requests	Pages Released	# of Requests	Pages Released	# of Requests	Pages Released	# of Requests	Pages Released	# of Requests	Pages Released
1529	15093	57	11085	12	8826	6	15545	1	13712

Section 3: Applications to the Information Commissioner on Declining to Act on Requests

	Number of Requests
Outstanding from previous reporting period	0
Sent during reporting period	5
Total	5
Approved by the Information Commissioner during reporting period	0
Declined by the Information Commissioner during reporting period	0
Withdrawn during reporting period	0
Carried over to next reporting period	5

Section 4: Requests Closed During the Reporting Period

4.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1-15 Days	16-30 Days	31-60 Days	61-120 Days	121-180 Days	181-365 Days	+ 365 Days	
All disclosed	18	53	20	18	5	8	13	135
Disclosed in part	79	90	35	59	51	54	147	515
All exempted	1	3	1	2	1	0	1	9
All excluded	1	4	0	7	5	0	2	19
No records exist	23	52	19	28	0	13	2	137
Request transferred	29	0	0	0	0	0	0	29
Request abandoned	17	7	2	0	2	0	10	38
Neither confirmed nor denied	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
Total	168	209	77	114	64	75	175	882

4.2 Exemptions

Section	# of Requests	Section	# of Requests	Section	# of Requests	Section	# of Requests
13(1)(a)	12	16(1)(b)	3	16.5	0	20(1)(c)	226
13(1)(b)	3	16(1)(c)	9	16.6	0	20(1)(d)	20
13(1)(c)	28	16(1)(d)	0	17	0	20.1	0
13(1)(d)	2	16(2)	1	18(a)	9	20.2	0
13(1)(e)	1	16(2)(a)	0	18(b)	84	20.4	0
14	2	16(2)(b)	1	18(c)	0	21(1)(a)	327
14(a)	34	16(2)(c)	82	18(d)	6	21(1)(b)	387
14(b)	35	16(3)	0	18.1(1)(a)	0	21(1)(c)	20
15(1)	1	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(d)	4
15(1) IA*	45	16.1(1)(b)	0	18.1(1)(c)	0	22	10
15(1) Def*	4	16.1(1)(c)	0	18.1(1)(d)	0	22.1(1)	1
15(1) SA*	8	16.1(1)(d)	0	19(1)	200	23	38
16(1)(a)(i)	0	16.2(1)	0	20(1)(a)	2	23.1	0
		16.3	0				
16(1)(a)(ii)	3	16.4(1)(a)	0	20(1)(b)	192	24(1)	24
16(1)(a)(iii)	0	16.4(1)(b)	0	20(1)(b.1)	0	26	2

* IA (International Affairs), Def (Defence of Canada), SA (Subversive Activities)

4.3 Exclusions

Section	# of Requests	Section	# of Requests	Section	# of Requests
68(a)	15	69(1)	0	69(1)(g) re (a)	81
68(b)	0	69(1)(a)	5	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	82
68.1	0	69(1)(c)	3	69(1)(g) re (d)	22
68.2(a)	0	69(1)(d)	4	69(1)(g) re (e)	37
68.2(b)	0	69(1)(e)	22	69(1)(g) re (f)	14
		69(1)(f)	1	69.1(1)	0

4.4 Format of information released

Paper	Electronic				Other
	E-Record	Data Set	Video	Audio	
3	646	0	0	1	0

4.5 Complexity

4.5.1 Relevant pages processed and disclosed for paper and e-record formats

# of Pages Processed	# of Pages Disclosed	# of Requests
137862	38902	716

4.5.2 Relevant pages processed per request disposition for paper and e-record formats 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	
	# of Requests	Pages Processed	# of Requests	Pages Processed	# of Requests	Pages Processed	# of Requests	Pages Processed	# of Requests	Pages Processed
All disclosed	127	2203	6	1377	2	1773	0	0	0	0
Disclosed in part	441	7333	43	10348	16	11813	15	29457	0	0
All exempted	7	213	1	173	0	0	0	0	1	64962
All excluded	18	244	0	0	1	632	0	0	0	0
Request Abandoned	26	56	8	1770	0	0	4	5508	0	0
Neither confirmed nor denied	0	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	619	10049	58	13668	19	14218	19	34965	1	64962

4.5.3 Relevant minutes processed and disclosed for audio formats

# of Minutes Processed	# of Minutes Disclosed	# of Requests
150	150	1

4.5.4 Relevant minutes processed per request disposition for audio formats by size of requests

Disposition	Less than 60 Minutes Processed		60-120 Minutes Processed		+ 120 Minutes Processed	
	# of Requests	Minutes Processed	# of Requests	Minutes Processed	# of Requests	Minutes Processed
All disclosed	0	0	0	0	1	150
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	0	0
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0
Total	0	0	0	0	1	150

4.5.5 Relevant minutes processed and disclosed for video formats

# of Minutes Processed	# of Minutes Disclosed	# of Requests
594	0	2

4.5.6 Relevant minutes processed per request disposition for video formats by size of requests

Disposition	Less than 60 Minutes Processed		60-120 Minutes Processed		+ 120 Minutes Processed	
	# of Requests	Minutes Processed	# of Requests	Minutes Processed	# of Requests	Minutes Processed
All disclosed	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0
All exempted	0	0	0	0	2	594
All excluded	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0
Total	0	0	0	0	2	594

4.5.7 Other complexities

Disposition	Consultation Required	Legal Advice Sought	Other	Total
All disclosed	52	1	27	80
Disclosed in part	363	106	134	603
All exempted	0	0	0	0
All excluded	0	14	0	14
Request Abandoned	4	0	2	6
Neither confirmed nor denied	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0
Total	419	121	163	703

4.6 Closed Requests

Number of requests closed within legislated timelines	506
Percentage of requests closed with legislated timelines	57.37%

4.7 Deemed refusals

4.7.1 Reasons for not meeting legislated timelines

Number of requests closed past the legislated timelines	Principal Reason			
	Interference with operations or workload	External Consultation	Internal Consultation	Other
376	51	67	14	244

4.7.2 Requests closed beyond legislated timelines (including any extensions 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	23	16	39
16 to 30	15	12	27
31 to 60	23	4	27
61 to 120	27	13	40
121 to 180	18	7	25
181 to 365	35	26	61
More than 365	102	55	157
Total	243	133	376

4.8 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 5: Extensions

5.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations or Workload	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
All disclosed	4	0	22	1
Disclosed in part	33	11	103	19
All exempted	3	0	0	0
All excluded	0	2	10	0
Request abandoned	7	0	3	2
No records exist	29	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0
Total	76	13	138	22

5.2 Length of extensions

Length of Extensions	9(1)(a) Interference With Operations or Workload	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
30 days or less	43	0	24	0
31 to 60 days	8	0	33	22
61 to 120 days	11	1	46	0
121 to 180 days	9	12	32	0
181 to 365 days	2	0	3	0
More than 365 days	3	0	0	0
Total	76	13	138	22

Section 6: Fees

Fee Type	Fee Collected		Fee Waived		Fee Refunded	
	# of Requests	Amount	# of Requests	Amount	# of Requests	Amount
Application	488	\$2,440	453	\$2,265	0	\$0
Other fees	0	\$0	0	\$0	0	\$0
Total	488	\$2,440	453	\$2,265	0	\$0

Section 7: Consultations Received From Other Institutions and Organizations

7.1 Consultations received from other Government of Canada institutions and other organizations

Consultations	Other Government of Canada Institutions	# of Pages to Review	Other Organizations	# of Pages to Review
Received during the reporting period	169	4472	13	156
Outstanding from the previous reporting period	41	10164	2	15
Total	210	14636	15	171
Closed during the reporting period	189	10030	13	159
Carried over within negotiated timelines	12	106	1	2
Carried over beyond negotiated timelines	9	4500	1	10

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

Recommendations	Number of Days Required to Complete Consultation Requests							Total
	1-15 Days	16-30 Days	31-60 Days	61-120 Days	121-180 Days	181-365 Days	+ 365 Days	
Disclose entirely	42	19	9	11	2	0	2	85
Disclose in part	7	20	20	23	4	5	8	87
Exempt entirely	0	1	1	0	0	0	0	2
Exclude entirely	1	0	0	0	0	0	0	1
Consult other institution	6	1	2	2	0	0	0	11
Other	2	1	0	0	0	0	0	3
Total	58	42	32	36	6	5	10	189

7.3 Recommendations and completion time for consultations received from other organizations outside the Government of Canada

Recommendations	Number of Days Required to Complete Consultation Requests							
	1-15 Days	16-30 Days	31-60 Days	61-120 Days	121-180 Days	181-365 Days	+ 365 Days	Total
Disclose entirely	3	2	1	1	0	0	0	7
Disclose in part	0	3	0	2	0	1	0	6
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	3	5	1	3	0	1	0	13

Section 8: Completion Time of Consultations on Cabinet Confidence

8.1 Requests with Legal Services

Number of Days	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	# of Requests	Pages Disclosed	# of Requests	Pages Disclosed	# of Requests	Pages Disclosed	# of Requests	Pages Disclosed	# of Requests	Pages Disclosed
1 to 15	8	44	0	0	0	0	0	0	0	0
16 to 30	7	110	1	11	0	0	0	0	0	0
31 to 60	40	448	3	204	0	0	0	0	0	0
61 to 120	49	655	0	0	0	0	0	0	0	0
121 to 180	5	132	1	220	0	0	0	0	0	0
181 to 365	2	11	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	111	1400	5	435	0	0	0	0	0	0

8.2 Requests with Privy Council Office

Number of Days	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	# of Requests	Pages Disclosed	# of Requests	Pages Disclosed	# of Requests	Pages Disclosed	# of Requests	Pages Disclosed	# 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 9: Investigations and Report of Finding

9.1 Investigations

Section 32 Notice of Intention to Investigate	Subsection 30(5) Ceased to Investigate	Section 35 Formal Representations
31	27	7

9.2 Investigations and Reports of Finding

Section 37(1) Initial Reports		
Received	Containing recommendations issued by the Information Commissioner	Containing orders issued by the Information Commissioner
7	0	7

Section 37(2) Final Reports		
Received	Containing recommendations issued by the Information Commissioner	Containing orders issued by the Information Commissioner
15	1	5

Section 10: Court Action

10.1 Court actions on complaints

Section 41				
Complainant (1)	Institution (2)	Third Party (3)	Privacy Commissioner (4)	Total
0	0	0	0	0

10.2 Court actions on third party notifications under paragraph 28(1)(b)

Section 44 Under paragraph 28(1)(b)
0

Section 11: Resources Related to the *Access to Information Act*

11.1 Allocated costs

Expenditures		Amount
Salaries		\$1,951,492
Overtime		\$0
Goods and Services		\$92,991
• Professional services contracts	\$0	
• Other	\$92,991	
Total		\$2,044,483

11.2 Human Resources

Resources	Person years dedicated to Access to Information activities
Full-time employees	19.250
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.000
Students	0.590
Total	19.840

Annex B

Delegation of ATIP Authority

Delegation in effect on the last day of 2023–2024

The Department of Industry

(To be known as Innovation, Science and Economic Development Canada)

Le ministère de l'Industrie

(Qui sera connu sous le nom
d'Innovation, Sciences et Développement économique Canada)

Access to Information Act and Privacy Act Delegation Order

Arrêté sur la délégation en vertu de la Loi sur l'accès à l'information et de la Loi sur la protection des renseignements personnels

The Minister of Industry Canada, pursuant to section 95(1) of the *Access to Information Act* and section 73(1) of the *Privacy Act*, hereby delegates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers and functions of the Minister as the head of a government institution, under the section of the Acts set out in the schedule opposite each position. This Delegation Order supersedes all previous Delegation Orders

En vertu de l'article 95(1) de la *Loi sur l'accès à l'information* et l'article 73(1) de la *Loi sur la protection des renseignements personnels*, le Ministre d'Industrie Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire les-dits postes, les attributions dont il est, en qualité de responsable d'une institution fédérale, investie par les articles des lois mentionnées en regard de chaque poste. Le présent décret de délégation remplace et annule tout décret antérieur

Schedule / Annexe

<u>Position / Poste</u>	<i>Access to information Act and Regulations / Loi sur l'accès à l'information et règlements</i>	<i>Privacy Act and Regulations / Loi sur la protection des renseignements personnels et règlements</i>
Deputy Minister / Sous ministre	Full authority / Autorité absolue	Full authority / Autorité absolue
Corporate Secretary / Secrétaire général	Full authority / Autorité absolue	Full authority / Autorité absolue
Director, Access to Information and Privacy (ATIP) Services / Directeur (trice), Service d'accès à l'information et à la protection des renseignements personnels (AIPRP)	Full authority / Autorité absolue	Full authority / Autorité absolue

Manager, ATIP Services / Gestionnaire, Services d'AIPRP	Full authority / Autorité absolue	Full authority / Autorité absolue
---------------------------------------------------------------	--------------------------------------	--------------------------------------

And / et

Senior Advisor, ATIP Services / Conseiller (ère) principal(e), Services d'AIPRP	Section / Articles: 7, 8(1), 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27(1), 68, 69	Section / Articles : 8(1), 14, 15, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 69, 70
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Dated, at the City of Ottawa, this 18th
day of May, 2021

Daté, à la ville d'Ottawa, ce 18^e
jour de mai, 2021

THE HONOURABLE FRANÇOIS-PHILIPPE CHAMPAGNE
MINISTER OF INDUSTRY
(To be known as Minister of INNOVATION,
SCIENCE AND INDUSTRY)



L'HONORABLE FRANÇOIS-PHILIPPE CHAMPAGNE
MINISTRE DE L'INDUSTRIE
(Identifié comme Ministre de l'INNOVATION, des SCIENCES
et de l'INDUSTRIE)