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Gouvernement du Canada
Ministère des Communications

ACCESS TO INFORMATION AND PRIVACY

ANNUAL REPORT 1985-1986

Canada

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**REPORT ON ACCESS TO INFORMATION
1985-1986**

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THE UNIVERSITY OF CHICAGO

INTRODUCTION

It seems that this year, both Access to Information applicants and Departmental staff have graduated somewhat from the early teething period of the first two years of implementation. We have noticed a wider range of enquiries, a tendency for the requests to be more detailed and complex, and greater use by the media for very specific purposes. Although the vast majority of requests still originate from Ottawa, followed by Montreal and Toronto, we are noticing a few more requests from the regions and the smaller centres.

As far as the Department's performance is concerned, this year has seen the development of more generous fee policies, more restrained use of discretionary exemptions, and more assiduous effort in tracking down requested documents. Administrative systems have been further developed to the point where they are functioning smoothly, permitting fewer staff to process the heavier volume of enquiries which we now receive. We aim every year for improvement in service, and next year emphasis will be placed on cutting our response time.

The three year Parliamentary review of the legislation now in progress has prompted a useful examination of Departmental policies and procedures. In preparing the various reports and the Departmental brief to the Standing Committee, a number of issues were raised and reevaluated. The opportunity to read the briefs submitted by the users, and to hear their comments to the Committee in the hearings, was greatly appreciated. This feedback is vital to us; it gives us a chance to measure our performance in the implementation of this legislation.

A) Statistics



Government of Canada / Gouvernement du Canada

REPORT ON THE ACCESS TO INFORMATION ACT

Institution Department of Communications	Reporting period April 1, '85 - March 31, '86
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Media	10	Academia	8	Business	19	Organization	13	Public	12
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I Requests under the Access to Information Act

Received during reporting period	68
Outstanding from previous period	3
TOTAL	71
Completed during reporting period	62
Carried forward	9

II Disposition of requests completed

1. All disclosed	41	6. Unable to process	0
2. Disclosed in part	11	7. Insufficient information	0
3. Nothing disclosed (excluded)	0	8. Abandoned	3
4. Nothing disclosed (exempt)	4	9. Does not exist	0
5. Transferred	1	10. Treated informally	2
TOTAL			62

III Exemptions invoked

S. 13(1) (a)	4	S. 16(1) (d)	3	S. 20(1) (c)	4
(b)	3	S. 16(2)	5	(d)	4
(c)	6	S. 16(3)	3	S. 21(1) (a)	1
(d)	4	S. 17	5	(b)	0
S. 14	2	S. 18 (a)	0	(c)	0
S. 15(1) Internat. rel.	1	(b)	0	(d)	0
Defence	4	(c)	0	S. 22	0
Subversive activities	4	(d)	0	S. 23	0
S. 16(1) (a)	3	S. 19(1)	7	S. 24	0
(b)	1	S. 20(1) (a)	0	S. 25	0
(c)	4	(b)	7	S. 26	0

IV Exclusions cited

S. 68 (a)	0
(b)	0
(c)	0
(d)	0
S. 69(1) (a)	1
(b)	1
(c)	1
(d)	0
(e)	1
(f)	0
(g)	2

V Completion time

30 days or under	52
31 to 60 days	2
61 to 120 days	7
121 days or over	1

VI Extensions

	30 days or under	31 days or over
Searching	1	5
Consultation	1	2
Third party	0	1
TOTAL	2	8

VII Translations

Translation requested	0	
Translation prepared	English to French	0
	French to English	0

VIII Method of access

Copies given	46
Examination	1
Copies and examination	7

IX Fees

Net fees collected		
Application fees		290.00
Reproduction		620.74
Searching		0.00
Preparation		0.00
Computer processing		2450.02
TOTAL		3360.76
Fees waived	No. of times	\$
\$25.00 or under	13	\$52.51
Over \$25.00	3	\$188.63

X Costs

Financial (all reasons)	
Salary	\$65,948
Administration (O and M)	\$33,058
TOTAL	\$99,007
Person year utilization (all reasons)	
Person year (decimal format)	1.79

XI Complaints to info. commissioner

Complaints activity	
Outstanding from previous period	2
No. initiated during reporting period	1
Number completed during period	3
Number carried forward	0

Complaints to Information commissioner (con't)

Reasons for complaints	
Non-disclosure	1
Fees	0
Extension	0
Publication	0
Denial of translation	0
Time to prepare translation	0
Other	0

Certificates produced	0
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Complaints to information commissioner (con't)

Disposition of complaints	
Complaint unjustified	0
Concurrence with institution	1
No finding	0
Recommendation accepted	1
Recommendation rejected	1

XII Appeals to Federal Court

Outstanding from previous period	0
Number initiated during period	0
Number completed during period	0
Number carried forward	0

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B) INTERPRETATION OF STATISTICS

Costs of the ATIP Secretariat

The ATIP Secretariat has been established to handle both access and privacy requests. Although the vast majority of requests during the reporting period were for access, as in the previous year, 25% of the Secretariat costs have been applied to implementation of the Privacy Act. Total costs of \$99,007 were calculated as follows:

Personnel Costs

Coordinator of Secretariat (1 officer)	75% of lpy X salary
Administrative Assistant (1 support position)	75% of lpy X salary
Other personnel, individually	time spent as % of py X salary

Operational Costs

Materials cost for response to each enquiry	100% of total
Computer system costs, for records database and ATIP tracking system	75% of total
ATIP administrative costs such as training, publications, travel, etc.	75% of total

The Department maintains a decentralized records system, with minimal records staff, and it was decided prior to the coming into force of Bill C-43 that it would be very difficult to comply with the 30 day deadline required by the Act without automated search mechanisms. Records Management and the ATIP Secretariat initiated the implementation of a fully automated records index, accessible by key word search. The Department has a contract with a service provider using the Basis system for this records database, and for the ATIP enquiry tracking system. The full costs for this system are shown under operational costs.

Since the second year of implementation, systems have been in place in the ATIP Secretariat to fully account for the time and resources expended in carrying out ATIP responsibilities. Departmental personnel report the time spent on each request, and report quarterly on the time spent on other activities such as policy formulation, management of personal information banks, advising outside agencies on the protection of third party information, attending ATIP meetings and briefings, and so on.

The costs of providing photocopies, microfiches, tapes, and so on are included. A new tracking form was developed this year to simplify this process.

An automated tracking system is used to keep a record of all activity on access and privacy requests, and this system has been programmed to collate all of the statistics which are needed for the quarterly reports to Treasury Board and the Annual Report to Parliament. In cooperation with the other five Departments who use the same system, we approached Treasury Board in 1985 to discuss some problems which we were having in conforming to the report form. The new form has solved these problems, and our system has been reprogrammed now to compute all of the cost and fee figures required.

FEE POLICY

Although the Department adheres generally to Treasury Board Guidelines in the assessment of fees, the following outline provides details of how this policy is applied.

Application Fees

Application fees are never waived. We do, however, return the fee if the request is for material which is normally publicly available, and we treat the request informally. If we know before commencing work on a request that we will not be able to provide the information, we return the fee.

Deposits

When processing a request we prepare an estimate of all charges applicable. We ask for a deposit to cover the full charges assessed for processing the request before we proceed, and we always advise the clients of what they may expect to get in the event that severance or exemption is necessary. When the actual costs are lower, we issue a refund or if actual costs are higher, we request an additional payment, unless of course the extra expense is due to our error.

Photocopying fees

During the period under review, the rate for photocopying was 25¢ per page. The first \$25.00 was waived, so fees were calculated

after the first hundred pages per request. The rate has now been dropped to \$.20 per page, in accordance with the amendment to the Regulations, so now the first 125 pages are free. We do not charge for copies which are already available or superfluous, such as extra copies of contractor's reports, or unnecessary duplicates of internal documents.

Search fees

We have not assessed or charged fees for searching, although we would if a particularly burdensome search was necessary.

Preparation time

Similarly, we have not charged for preparation time, although we have given estimates of preparation fees in instances where individuals have requested that lengthy computer printouts be severed, rather than that they pay to have a special computer run printed. Fees assessed in these instances would not be for the review and severance, of course, but only for the time taken to prepare and recopy the document.

Computer fees

We do not charge for computer time for personal and small business computers, since they are usually much slower than mainframe computers and much cheaper to operate. If we were to receive a request requiring a great deal of work on a micro-computer, we would assess preparation fees at \$10.00 per hour. We do charge for work on central processors, at the rate stipulated in the Access Regulations. Fees for special programming are assessed at \$20.00 per hour. We also assess computer printing fees at \$2.00 per 1000 lines, which is the standard fee charged by computer service providers with whom we deal. There is no rate stipulated in the Treasury Board guidelines for computer printouts, unless you consider the printer as a peripheral and charge at \$16.50 per minute. We believe this would not be as favorable to the client as the rate at which we charge.

In the event that an individual wishes output on magnetic tape or disc, he or she may purchase the tape or disc or simply borrow it. There is no charge if it is returned within thirty days.

Fee Waivers

Each request for a fee waiver is examined on its own merit, but there is no policy per se on the issue. Every effort is made to permit examination of the documents in lieu of photocopying, and we will ship documents for examination to any of our five regional and 47 district offices, barring exceptional circumstances. During the last quarter of this reporting period, the decision was taken to send fee assessments only if the total amount, not counting the initial application fee, exceeded \$10.00. We will be evaluating this policy during the next year.

TIME EXTENSIONS OVER 60 DAYS

Eight time extensions greater than 60 days were requested during the last year, seven for the purposes of searching and consultation and one for third party consultation. Details of these requests are given below.

1. A request was received for the information relating to an entire class of documents. There was some delay in reaching the individual to explain the volume of material to which he was referring in his request, and in determining exactly which files would be useful to him. Consultation with a provincial agency was then necessary, and they did not wish the information to be released. Determination of responsibility and consultation with them concerning the applicability of exemptions took additional time, and the request was completed in 82 days.
2. A request was received for all cabinet discussion papers which the Department had prepared since 1977, and for records which would enable the applicant to know which ones would fall within the various paragraphs of section 69 dealing with discussion papers. Although the documents were retrieved quite quickly, a 120 day extension was requested for consultation with such agencies as External Affairs, Regional Industrial Expansion, Privy Council Office, and the Secretary of State. The request was completed in 150 days, with access given in the library at Headquarters. An additional discussion paper was found some time later, and the applicant was given access to this document informally.

3. Seven requests were received simultaneously from an individual seeking a great deal of information on the topic of satellite broadcasting, including policy issues, prosecutions, legal opinions and precedents, and economic aspects. Another request from the same applicant was transferred to us by the Department of Justice at the same time.

Since each request concerned a separate class of records as listed in the index, there was a great deal of searching required to find all relevant documents. There was also considerable duplication, since usually many program areas are involved in, for instance, the development of a particular policy. Five 90 day extensions were requested for searching, but the eight files were completed as follows: 1 in 10 days, 1 in 28 days, 1 in 29 days, 2 in 91 days, and 3 in 96 days.

4. A request was received for any records or petitions related to a decision taken to refer back to the CRTC its decision to grant a broadcast licence to Saskwest Television in Saskatchewan. A large quantity of documents was involved, and there was a need to consult third parties, the CRTC, and the Privy Council Office. The documents were released in stages, and the file was completed in 119 days.

ABANDONED ENQUIRIES

There were three enquiries abandoned this year. The first was for a printout of radiolicensing information concerning the holders of a particular type of radio licence. When the applicant was informed that certain of the fields in which he was interested would have to be exempted from disclosure, he was no longer interested in obtaining the information.

One of the eight requests from the same applicant which were described above under time extensions was a transfer from the Department of Justice. Although our Department was the party holding greater interest in the record and we accepted the transfer, it turned out that after consultation with the applicant, we gave access to all the documents implicated in the request sent to Justice in our response to the similar request which we had received. The transferred request was therefore abandoned.

In the third case, a representative of a company wanted a detailed printout from our radio licensing database which would provide the type of equipment authorized for each licence. Although this capability exists within the system, the particular field desired was not always entered in the system for this band of frequency, because it was not required for Departmental purposes. Since the printout would be incomplete, the individual did not pursue his request.

SOURCE OF REQUESTS

While we do not ask requestors to indicate their reasons for requesting information, we do attempt to categorize them into the stipulated groups. The percentage breakdown is as follows:

- 16.1 % media
- 12.9 % academia
- 35.5 % business
- 17.7 % other organizations
- 17.7 % public
- 0.0 % not identifiable as any of the above

C) PRACTICES AND PROCEDURES

ORGANIZATION OF ATIP ACTIVITIES

The Coordinator of Access to Information in the Department of Communications is the Director, Sector Management, reporting to the Assistant Deputy Minister of Corporate Management. An independent secretariat has been established to administer and coordinate all ATIP inquiries, consisting of one full time officer (the ATIP Secretariat Coordinator) and one full time assistant.

A Corporate Review Panel (CRP) has been established to review any potentially sensitive or exempt material, and to coordinate all ATIP activity in the sectors. While originally CRP members were senior managers, this year changes have been made in the structure, now that the initial start-up period is over. Now

each sector is normally represented by a sector coordinator or executive assistant to the Assistant Deputy Ministers. In cases where recommendations must be made to the Minister or Deputy Minister, the matter is referred to the Senior Management Committee by the Departmental Coordinator, via the Assistant Deputy Minister of Corporate Management.

The ATIP Secretariat has published an Access to Information and Privacy Manual, which explains the legislation to employees and outlines procedures to be followed in the handling of ATIP inquiries. During the course of the last two years, certain practices have evolved somewhat differently from what is described in the manual, and a new manual is now being written.

In our experience, a lot of the review and analysis which we had anticipated would be done by the responsibility centre managers who hold the documents is still being done by the ATIP Secretariat. We have described this in last year's annual report, but it bears repetition this year.

We find that it is not possible to simply send the request out to the responsibility centre, and rely on them to interpret the request, find the appropriate exemptions which may apply, and return completed documents to the ATIP secretariat. When a request is received, it is routed through the sector coordinator to the responsibility centre, and at this point usually the ATIP Secretariat is contacted for advice in tracking down the documents and determining what the client wants.

The ATIP Secretariat Coordinator decides, in discussions with the sector coordinator and the responsibility centre manager, who would be the most appropriate person to contact the client and clarify the request, when this is necessary. In most cases, this will be the responsibility centre manager, since that is the person who is most familiar with the subject matter. The three-way conference call capability of our new phone system is most useful here, since usually the responsibility centre manager is not familiar enough with the ATIP exemptions and requirements to comment on this aspect of the case.

Despite the fact that manuals and briefing sessions have been made available to Departmental personnel, we have found that usually the responsibility centre manager requires quite a bit of coaching in preparing the request and suggesting exemptions.

In normal practice, there are four levels of exemption of sensitive material. In simple, routine requests, there are frequently elements which obviously require exemption: for example, an employee's home address, name, and telephone number on a travel authorization. This type of simple exemption is done by the ATIP Secretariat without consultation. If the material is more sensitive, but obviously qualifies for certain exemptions, it is customary for the ATIP Secretariat Coordinator to consult legal services for guidance in applying the exemptions, often with the sector coordinator participating. In the event that the material is more complex, involves other sectors of the Department, or touches issues which have not been dealt with in previous ATIP enquiries, a meeting of the Corporate Review Panel is held to discuss the question. The most sensitive of these requests are reviewed by the Assistant Deputy Ministers, and a recommendation is made to the Minister by the Coordinator via the Assistant Deputy Minister, Corporate Management.

The ATIP Secretariat has established procedures for notifying applicants formally, in writing, of:

- 1) excluded records
- 2) methods of access available
- 3) time extensions
- 4) fee estimates
- 5) requests for deposit
- 6) exemptions claimed

We have found that it is useful to provide a much more detailed response than is given in the sample letters of the Treasury Board Administrative Policy Guide, particularly when giving fee estimates or explaining the use of exemptions. Samples of such letters are attached in appendix C.

With detailed requests involving many records, it is now our custom to prepare a document list once we have determined which files are within the ambit of the request. This is done by each responsibility centre manager involved, and then the ATIP Secretariat collates the list and puts them on the word processor. Subsets of the list can then easily be prepared and sent with notification to third parties, with requests for consultation sent to other agencies, and with fee estimates or notices of exemption sent to the client.

Having the information on a system greatly simplifies the chore of following up on required action for each document.

All consultation with other institutions is coordinated through the ATIP Secretariat.

The rate of enquiry is still increasing, and we find that the type of request is becoming more sophisticated and complex. At the close of this reporting period, 9 enquiries were carried over because we had received 8 access enquiries and 4 privacy enquiries that month. Eight requests had been brought forward from February, some of these being complex cases which had required extensions.

In last year's Annual Report, mention was made of the lack of opportunity for Access Coordinators at the working level to meet and discuss common problems and coordinate response to common situations. This is still a problem, although the Parliamentary Review did prompt the creation of a few working groups to study certain specific areas of the legislation. The Department of Communications' Secretariat Coordinator had the opportunity to sit on one of these committees, and found it very useful. It was the unanimous opinion of the members of that group that such forums, if held regularly, would contribute greatly to their understanding of the Acts and of how other departments were coping with problems similar to their own.

ATIP IMPLEMENTATION

During 1985/86, briefings were held for staff in the regional offices at Montreal and Winnipeg. The Regional Directors were all briefed during headquarters visits, and a separate briefing was arranged for the Spectrum Management Operations Committee, since they have had a number of difficulties with the release of radio licensing information. Sessions are planned this year for Moncton and Toronto.

Regional Activities

Although staff in the regional and district offices are the Department's primary interface with the public, there has been very little interest in ATIP displayed by the public in the regions. Since all requests are forwarded to headquarters, there is little requirement for staff in the regions to be proficient in applying the exemptions of the Act, so the emphasis in regional briefings has been on the protection of personal information, and the rights of the public. Originally it had been planned that the regional offices would process their own requests within three years of the implementation of the legislation, but this is no longer being considered.

Reading Rooms

Reading areas have now been set up in each of the regional offices, where the public may examine documents and manuals. Since most of the regional offices do not have libraries per se, facilities depend on the space available. In one case, a table and chairs have been set up in the reception area, close to where the public information pamphlets are made available. An attendant is at hand who can fetch manuals from other areas, since it was not considered to be cost effective to purchase new sets of manuals for each reading area. There has been very little use of the regional facilities.

The automated records index can be accessed from a number of terminals in each regional office, and staff have been trained to do key word searches. When a client wishes to find references for the information he or she desires, the staff can search the database and assist the individual in locating the desired documents. Since all of the Department's filing systems are entered in the database now, with details of where the records are located and who is responsible for each file, it is a relatively simple matter for an employee to locate any information, whether or not they are familiar with the subject matter. The Regional Offices are primarily concerned with administering the Spectrum Management programs, and have limited involvement with the other subject areas of the Department, so this is a potentially useful tool when staff familiar with the other programs are not available.

At headquarters, a separate ATIP room has been set up in the library, furnished with a terminal capable of searching the records database. Copies of material released in response to requests, which must be retained by the ATIP Secretariat, have been transferred to the library and made available to the public in this area. A list of the subjects of requests, with a brief description of what documents are entailed, is available there.

ATIP Tracking System

Before the implementation of the legislation, the Department decided to set up an automated system which would provide an index to Departmental records and a tracking system for ATIP enquiries. It was felt that an automated record index with key word search capability would be necessary in this Department because we operate a decentralised records system. The report capabilities of the system have been very useful to records management operations, although the primary intent of introducing the system was not to facilitate routine operations, but to provide better access to records and control of the collections.

The report capabilities of the ATIP tracking system are used in the preparation of reports to Treasury Board and to Parliament. While the volume during the first years did not really justify such a system, it has been extremely useful during the Parliamentary Review process which has been taking place over the last few months. Now that volume has increased, and the complexity of the requests tends to be greater, it is a real boon to the ATIP Secretariat to have these automated tools in place, since it is becoming increasingly apparent that the key to user satisfaction in Access to Information is to maintain a good dialogue with the users. Automated administrative systems free up valuable time for the staff to spend talking with the users and the holders of the records.

Formal and Informal Inquiries

Informal mechanisms of information release continue to work well, and account for the vast majority of information requests handled by the Department. Staff are urged to refer the public to the ATIP Secretariat only when they believe the information may be sensitive. The Secretariat in turn always tries to handle requests informally when there is obviously no concern about the protection of the information.

During the next year, the ATIP Secretariat will be making an effort to document the type of information which is being released informally, and the volume. One area of concern is contract reports, which are very much in demand by the public and which are sometimes released informally, sometimes through ATIP. Efforts will be made to put a better system in place whereby the Secretariat is kept informed about the existence of new reports, so that they may be reviewed and prepared for public informal distribution whenever possible.

D) INSTITUTIONAL POLICIES

Policies on the handling of requests, the activities of the Corporate Review Panel, and the assessment of fees have been discussed in earlier sections of this report. Our approach to the release of radio licensing information is fully described in Appendix B of the Privacy Act. Although the handling, retention, and protection from disclosure of commercially sensitive information had been identified as an area for policy development this year, we did not do so because we were waiting for the announcement of a new security policy within government which would have a bearing on this area. Consideration will be given to this during 1986/87.

E) DELEGATION INSTRUMENT

The delegation of authority with respect to Access to Information became effective July 1, 1983, and was intended to retain decision making at the senior level. The Deputy Minister and Departmental Access to Information and Privacy Coordinator have been delegated responsibility for all sections of the Act. The Coordinator of the Access to Information Secretariat has responsibility for sections 7, 8(1), 9, 11(5), 28(1), 28(4), 28(5), 28(8), 29(1), 33, 43(1) and 44(2) of the Act, only when it has been determined that access shall be given.

The organization of the ATIP Secretariat and the roles and responsibilities of both the ATIP Coordinator and the ATIP Secretariat Coordinator have been fully described on page 8. Since the Coordinator spends only about 10% of his time on ATIP, a lot of the decision making is delegated to the Secretariat Coordinator although the signing authority is not. Since the Coordinator of the Secretariat now reports directly to the Coordinator, there is no delay in obtaining approval for release, and the chain of authority is functioning smoothly.

F) INVESTIGATIONS

The Department received notice of one appeal filed against it during the reporting period. In addition to this, there were two appeals outstanding from the previous reporting period. All three appeals were resolved during the year, leaving no outstanding complaints at the end of the year.

The new appeal concerned the Department's use of section 19 (personal information) to protect the social insurance number of the incumbent of a position, as it appeared on a job description. The investigator from the Information Commissioner's office supported our use of the exemption, and dismissed the complaint.

One of the other complaints had been filed during the first year of implementation, and concerned the exemption of certain radio-licensing information from the Departmental microfiche. It was described in detail in last year's Annual Report.

The Department had used section 19 to protect the names and addresses of radio licensees, whether they were individuals or not, because we could not differentiate between individuals and companies with accuracy on our database. The Information Commissioner did not share our view that the name of an individual who holds a radio licence is personal information, as well as the exact nature of the licence. The problem is fully described in Appendix B of the Report on Privacy, and although we have reached no final solution to this question of interpretation, we did reach a successful compromise with the Information Commissioner.

The Department agreed to release the names and the frequencies of those licence holders who were individuals, providing no other exemptions applied, because the Minister believes that the public interest in disclosure outweighs the invasion of privacy occasioned by release of this information. The names and frequencies of companies would also be released, if no other exemptions applied. However, the applicant did not wish to pay for the computer printout that had to be produced in order to do this, so the case ended there. The question of whether other exemptions would apply thus did not have to be addressed. This remains an extremely difficult problem which must eventually be resolved.

The other outstanding complaint which was resolved concerned the Department's use of exemptions to protect documents relating to the decision to award licences for the operation of a cellular mobile radio service. The experience gained during the course of this investigation was very useful in terms of delineating our internal policies regarding severance and the use of exemptions.

Originally the Department had protected a large number of documents, using exemptions 14, 15, 19, 20, 21, and 23, but primarily sections 20 and 21. During the lengthy investigation process, which was described in last year's annual report, we agreed to revise many of our initial decisions to protect documents, and did a great deal of severance. After we had reviewed all of the exempted material, we released a further 468 pages of material, in whole or in part. The bulk of the information released subsequently had been protected under section 21.

Now whenever we apply section 21, we ask ourselves the following questions:

- 1) Is this information public knowledge, or well known within the industry?
- 2) Is it sensitive?
- 3) What would be the injury, if it were to be released?

We have found the investigators of the Information Commissioner's Office to be very helpful and reasonable in our dealings with them, and we have incorporated a number of their suggestions in our internal policies.



REPORT ON ACCESS TO INFORMATION

Institution Department of Communications	Reporting period April 1, '84 - March 31, '85
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I Requests under the Access to Information Act

Received during reporting period	47
Outstanding from previous period	3
TOTAL	50
Completed during reporting period	47
Carried forward	3

II Disposition of requests completed

1. All disclosed	32	6. Unable to process	0
2. Disclosed in part	7	7. Insufficient information	0
3. Excluded	0	8. Abandoned	6
4. Exempt	2	9. Does not exist	0
5. Transferred	2	TOTAL	49

III Exemptions invoked

S. 13(1) (a)	1	S. 16(1) (d)		S. 20(1) (c)	1
(b)		S. 16(2)	1	(d)	1
(c)		S. 16(3)		S. 21(1) (a)	2
(d)		S. 17	1	(b)	2
S. 14	1	S. 18 (a)		(c)	
S. 15(1) Internat. rel.	1	(b)		(d)	1
Defence	1	(c)		S. 22	
Subversive activities	1	(d)		S. 23	1
S. 16(1) (a)		S. 19(1)	6	S. 24	1
(b)		S. 20(1) (a)	2	S. 25	2
(c)		(b)	3	S. 26	

IV Exclusions cited

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

V Completion time

Under 30 days	39
31 to 60 days	4
60 to 120 days	4
Over 120 days	

VI Extensions

	Under 30 days	Over 30 days
Searching	3	3
Consultation	1	1*
Third party	0	1
TOTAL	4	5

VII Translations

Translation requested	0
Translation prepared	0
English to French	
French to English	
Average time to prepare translations	

VIII Method of access

Copies given	38
Examination	0
Copies and Examination	3

IX Fees

Fees collected	
Application fees	225.-
Reproduction	739.62
Searching	--
Preparation	456.-
Computer processing	1,799.17
TOTAL	3,219.79
Fees waived over \$25.00	\$64.25
Fees waived (no. of times)	1

X Costs

Personnel	
Officer	\$43,490
Support staff	\$34,233
Other	\$42,972
TOTAL	\$120,695
Officer (PY)	1,019
Support staff (PY)	1,289
TOTAL	2,308

XI Appeals to info. commissioner

Reasons	
Non disclosure	1
Fees	1
Extension	1
Publications	
Denial of translation	
Time to prepare trans.	
Other	
No. initiated during reporting period	3
No. completed during reporting period	2
No. carried forward	2
Average time of resol. (for those compl.) (days)	
Commissioner's recommendation accepted	
Commissioner's recommendation rejected	

XII Appeals to Federal Court

Appeal by	
Applicant	
Third party	
Information commissioner	
Average time of resol. (for those compl.) (days)	
No. initiated during reporting period	
No. completed during reporting period	
No. carried forward	
Disclosure ordered	
Non-disclosure ordered	
Other	

TBC 350-62 (83/2)

* This extension was also for Third Party Enquiries au verso





REPORT ON ACCESS TO INFORMATION

Institution DEPARTMENT OF COMMUNICATIONS	Reporting period JULY 1, 1983 - MARCH 31, 1984
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I Requests under the Access to Information Act

Received during reporting period	30
Outstanding from previous period	0
TOTAL	30
Completed during reporting period	27
Carried forward	3

II Disposition of requests completed

1. All disclosed	6	6. Unable to process	0
2. Disclosed in part	9	7. Insufficient information	1
3. Excluded	0	8. Abandoned	4
4. Exempt	2	9. Does not exist	5
5. Transferred	0	TOTAL	27

III Exemptions invoked

S. 13(1) (a)	1	S. 16(1) (d)		S. 20(1) (c)	2
(b)	1	S. 16(2)	1	(d)	2
(c)	2	S. 16(3)		S. 21(1) (a)	4
(d)		S. 17		(b)	2
S. 14		S. 18 (a)		(c)	2
S. 15(1) Internat. rel.	*	(b)		(d)	1
Defence	*	(c)		S. 22	
Subversive activities	*	(d)		S. 23	2
S. 16(1) (a)		S. 19(1)	3	S. 24	
(b)		S. 20(1) (a)	1	S. 25	7
(c)	1	(b)	5	S. 26	2

IV Exclusions cited

S. 68 (a)	
(b)	
(c)	
(d)	
S. 69(1)	3
S. 69(1) (a)	
(b)	2
(c)	
(d)	
(e)	
(f)	
(g)	

V Completion time

Under 30 days	16
31 to 60 days	6
60 to 120 days	2
Over 120 days	3

VI Extensions

	Under 30 days	Over 30 days
Searching	1	**
Consultation	2	**
Third party		1**
TOTAL	3	3**

VII Translations

Translation requested	0
Translation prepared	0
English to French	
French to English	
Average time to prepare translations	

VIII Method of access

Copies given	12
Examination	1
Copies and Examination	2

IX Fees

Fees collected	
Application fees	125.00
Reproduction	316.50
Searching	--
Preparation	25.00
Computer processing	718.61
TOTAL	1,185.11

Fees waived over \$25.00	\$ --
Fees waived (no. of times)	0

X Costs

Personnel	
Officer	\$ 58,450
Support staff	\$ 45,450
Other	\$ 8,300
TOTAL	\$ 112,200

Officer (PY)	1,350
Support staff (PY)	1,600
TOTAL	2,950

XI Appeals to info. commissioner

Reasons	
Non disclosure	1
Fees	
Extension	
Publications	
Denial of translation	
Time to prepare trans.	
Other	

No. initiated during reporting period	1
No. completed during reporting period	0
No. carried forward	1
Average time of resol. (for those compl.) (days)	

Commissioner's recommendation accepted	
Commissioner's recommendation rejected	

XII Appeals to Federal Court

Appeal by	
Applicant	
Third party	
Information commissioner	

Average time of resol. (for those compl.) (days)	
No. initiated during reporting period	0
No. completed during reporting period	
No. carried forward	0

Disclosure ordered	
Non-disclosure ordered	
Other	

TBC 350-62 (83/2)

* See attached note.

Français au verso

** Two inquiries had identical extensions of 60 days for all three purposes.

TOPICS OF ACCESS INQUIRIES AND DEPARTMENTAL RESPONSE, 1985/86

1. SUBJECT Information about Telefilm funds. I would like to know how much money has been granted to each recipient of funds under this program.

RESPONSE Transferred

FORMAT

FEES \$5.00

2. SUBJECT Request information from domestic frequencies list Ontario Region (specifically MetroToronto and regions). Would like list of all band assignments in the 150-152mhz range. Specifically require: - frequency assignment, broadcast location, power of transmission, nature of broadcaster (phone, pager, taxi etc). Photocopy or computer printout.

RESPONSE All disclosed

FORMAT Copies given, microfiches

FEES \$5.00

3. SUBJECT VHF/UHF Radio Propagation Computer Prediction Program and Topographic Data Base held by DOC/RCT/DRL on magnetic tape.

RESPONSE All disclosed

FORMAT Copies given, computer tape

FEES \$60.53

4. SUBJECT I would like a copy of the Licensing Agreement issued to the RCMP by DOC for the following equipment: Radar transmitting equipment, Model MUNI QUIP, serial No. 11369, and Model MUNI QUIP, serial no. 13004. I would also like a copy of the manufacturer's Operations and Maintenance Manual and in particular the section pertaining to calibration and operation frequencies. I do not know the specific government document titles where this is contained but a certain official of the Vancouver district office has the information.

RESPONSE Disclosed in part, 13(1)(a), 13(1)(b), 13(1)(c), 13(1)(d), 15(1) International rel., 15(1) Defence, 15(1) Subversive activities, 16(1)(a), 16(1)(c), 16(1)(d), 16(2), 16(3), 17, 19(1), 20(1)(b), 20(1)(c), 20(1)(d); protected company code field of printout, maintenance manual not held by department.

FORMAT Copies given, paper

FEES \$5.00

5. SUBJECT DOC investigation on the following accounts who are selling non-approved DOC alarm systems in Canada. Would like reports on their responses to DOC investigation. Classic Auto Radio 2535 Dundas Street West, Toronto, Aritech, 3182 Orlando Drive Mississauga L4V 1RS , M&P Marketing, 8591 David Boyer, Montréal H3N 2A2 , Meubles Gatién, 1390 6th Avenue, Grandmere, Que. G9T 2J6, Radio d'auto Metropole, 8945 Lajeunesse, Montréal, H2M 1S1 Auto Electra, 5780 Pare Street, Mont-Royal, Que. M4P 2M2, Auto Larm, 1977 Papineau Montréal, AI Larm 7730 Lajeunesse Montréal, Serrurier Amherst, 1777 Ontario, Montréal.
- RESPONSE All disclosed,
FORMAT Copies given, paper 61 pages.
FEES \$5.00.
6. SUBJECT Please provide current classification evaluation rationale for position No. COM-DTS-00811, AS 1.
- RESPONSE All disclosed.
FORMAT Copies given, paper 11 pages.
FEES \$5.00.
7. SUBJECT The number of employees including term employees in the department or agency laid off or terminated between September 17, 1984 and this date January 27, 1986 including the dates of each layoff or termination, the category of each employee, his or her salary range of job description upon layoff or termination.
- RESPONSE Disclosed in part, full job description not necessary; just position title.
FORMAT Copies given, paper 30 pages.
FEES \$5.00.
8. SUBJECT A copy of report No. 1, and one copy of report No. 3 for regions 1, 2, 3, 4, 5, and 6 on microfiche for the months of January and February 1986.
- FORMAT Treated informally,
FEES Copies given, microfiches.
Fees waived.

9. SUBJECT ADMSM database, DOC-P-20 for Vancouver Island District only, names, addresses, call signs, frequencies in the ranges stated.
RESPONSE All disclosed; applicant agreed to accept without addresses of individuals.
FORMAT Copies given, printout 4141 lines.
FEES \$78.00
10. SUBJECT All call-ups forms processed by DOC under the terms of the Master Standing offer for temporary help services in the NCC region during the month of March 1985 and the month of September 1985.
RESPONSE Disclosed in part, 19.
FORMAT Copies given, paper 384 pages.
FEES \$5.00
11. SUBJECT An extract on computer magnetic tape of certain information pertaining to licence fees for Imperial Oil Ltd, licenced under the following company codes: Imperial Oil, Esso Resources and ESF Limited. See ATI request form for assigned company codes.
RESPONSE All disclosed; information belongs to this company therefore may be released.
FORMAT Copies given, tapes.
FEES \$53.00
12. SUBJECT A copy of the report on distribution in the film industry, which has been submitted by a task force chaired by Mary Josee Raymond.
RESPONSE Treated informally.
FORMAT Copies given.
FEES Fees waived.
13. SUBJECT A listing of all allocations of radio frequencies for the province of Ontario, including name of the appropriate company or individual, addresses or city in which radio station operations occur. Information with the private, commercial and public services such as Fire Depts, Police Depts, Taxicab dispatch services, mobile and cellular telephone systems, trucking firms etc.
RESPONSE Exempt, 13(1)(a), 13(1)(b), 13(1)(c), 13(1)(d), 14, 15(1) Internat. rel., 15(1) Defence, 15(1) Subversive activities, 16(1)(a), 16(1)(c), 16(1)(d), 16(2), 16(3), 17, 19(1), 20(1)(c), 20(1)(d).
FEES \$5.00

14. SUBJECT All public opinion surveys and analysis relating to telecommunications conducted from September 1, 1983, until the present.
RESPONSE All disclosed.
FORMAT Copies given, paper 107 pages.
15. SUBJECT Any records, petitions, evaluations or any other material pertaining to the November 8, 1985 decision by the government to refer back to the CRTC its ruling granting a licence to SASK West TV to broadcast in Saskatchewan.
RESPONSE Disclosed in part, 20(1)(b), Excluded, 69(1)(a), 69(1)(c), 69 (1)(e), 69(1)(g).
FORMAT Copies and examination; 694 pages.
FEES \$5.00
16. SUBJECT All licenced amateur radio operators and stations, approx. 23,000, on magnetic tape, 9 track 1600 bpi, ASCII or EBCDIC including a layout. Names and addresses sorted in postal code sequence.
RESPONSE All disclosed.
FORMAT Copies given, tape.
FEES \$68.00.
17. SUBJECT Requesting a copy of the "Technical and Administrative Frequency List" for Northern Ontario or Region 4.
RESPONSE Exempt, 13(1)(a), 13(1)(b), 13(1)(c), 13(1)(d), 15(1) Internat. rel., Defence, Subversive activities, 16(1)(a), 16(1)(b), 16(1)(c), 16(1)(d), 16(2), 16(3), 17, 20(1)(b), 20(1)(c), 20(1)(d).
FEES \$5.00
18. SUBJECT I would like to obtain any opinion polls, including background explanations and analyses, prepared since the ATIP Act was proclaimed and conducted by DOC in areas such as telecommunications policy and cultural sovereignty. In particular, I am interested in any

- polling on the question of the impact of enhanced trade with the U.S. upon Canadian cultural industries.
- FORMAT Copies and examination.
FEES \$5.00
19. SUBJECT Name and address and assigned radio frequencies of companies assigned radio frequencies and operating base stations associated with base to mobile operations in Quebec.
- RESPONSE All disclosed.
FORMAT Copies given, printout 4454 lines.
FEES \$240.35.
20. SUBJECT Would like all the XM66 numbers with names and addresses for the purpose of forming a C.B. Club.
- RESPONSE All disclosed.
FORMAT Copies given, printout 90 pages.
FEES \$5.00
21. SUBJECT A copy of the study prepared by Woods Gordon on the sound recording industry in Canada.
- RESPONSE All disclosed.
FORMAT Copies given, paper 635 pages.
FEES \$5.00.
22. SUBJECT Report No. 3 (mhz frequencies) and report No. 1 (khz frequencies) on microfiche for regions 1, 2, 4, 5, and 6.
- RESPONSE All disclosed.
FORMAT Copies given, microfiches.
FEES \$5.00.
23. SUBJECT Profile of Canadian songwriters conducted by the Canadian Songwriters Association. See attached list supplied by DSS for background.
- RESPONSE All disclosed; the final report on Canadian songwriters was to be available on 85/12/19, will be sent end of May, 1986.
- FORMAT Copies given, paper 10 pages.
FEES \$5.00

24. SUBJECT Poll and/or surveys by Decima Research Ltd., on attitudes of Canadians toward changes in telecommunications policy. See attached list from DSS for background.
- RESPONSE All disclosed.
FORMAT Copies given, paper 214 pages.
FEES \$5.00.
25. SUBJECT Any licences issued by DOC to authorize the construction of antennae at 3770 Blenkinsop Road, in the Municipality of Saanich, B.C. - Any application forms or other documents files in support of application for such licences. Any licences issued by DOC to operate a radio station at 3700 Blenkinsop Road and any application forms or other documents files in support of the application. Any pending application or other supporting documents filed with DOC for authorization to construct an antennae or operate a radio station.
- RESPONSE Disclosed in part, 19(1).
FORMAT Copies given, paper 53 pages.
FEES \$5.00.
26. SUBJECT A list of all polls or public opinion surveys, including "focus groups", conducted by or on behalf of the department since 84/09/17 plus copies of the results of each, specifying the date, contractor and cost.
- RESPONSE All disclosed.
FORMAT Copies and examination.
FEES \$5.00.
27. SUBJECT Listing of all Canadian amateur radio call signs issued and currently active, with name, full address, postal code, on magnetic tape.
- RESPONSE All disclosed.
FORMAT Copies given, computer tape.
FEES \$84.65.

28. SUBJECT Listing of all radio amateurs in Canada, name, address, city, postal code and callsign on computer tape IBM.
RESPONSE All disclosed.
FORMAT Copies given, computer tape.
FEES \$59.65.
29. SUBJECT Printout of where and how much money from the Cultural Initiative Program has been spent since the program began. Printout of where and how much money from Special Cultural Initiatives Funds has been spent since this program began.
RESPONSE All disclosed.
FORMAT Copies given, paper 312 pages.
FEES \$5.00.
30. SUBJECT All registered mobile radio users operating 20 or more units in Canada if portable radio users can be segregated, please indicate only that group.
RESPONSE Abandoned.
31. SUBJECT Like to obtain a printout of all call-ups having GSIN numbers beginning with SB404 made by DOC against standing offers issued by DSS for the fiscal year ending March 31, 1985. Interested in standing offer type for EDP professional services coming under National Standing Master Offers. Want to know the name of the company, the value of the work, and the time it took to complete.
RESPONSE All disclosed.
FORMAT Copies given, paper 4 pages.

32. SUBJECT Request for a printout of the licensing information of the Land/Mobile Frequencies allocated to CP Rail, CN Rail, B.C. Rail, and Algoma Central Railway in the frequency bands 401 mhz to 470 mhz and 805 mhz to 902 mhz. In addition, information on any frequencies within these bands that have been allocated but not issued to the Canadian Railways would also be of interest, as would the regional use, application, and whether or not Canada/U.S. coordination has taken place for the frequencies currently issued in these bands.

RESPONSE All disclosed.
FORMAT Copies given, paper, printout 23,251 lines.
FEES \$383.57.

33. SUBJECT Documentation, correspondence, reports related to the departmental Access Unit which indicates the following; (a) The Access Unit operational plan, (b) rational for staffing (PY's and classification) & budget allocation, (c) the job classification and job description of the Access Coordinator and all staff assigned (full or part time) to the Access function, (d) the delegation of authority related to ATI, (e) the location of the reading room, (f) workload indicators, (g) the existence of any automated equipment (computer or WP) to assist staff in the Access function. I seek documentation for the current year and the previous year.

RESPONSE All disclosed.
FORMAT Copies given, paper 17 pages.
FEES \$5.00.

34. SUBJECT List of 2 way radio users in Ontario together with user's address.

RESPONSE All disclosed.
FORMAT Copies given, computer tapes.
FEES \$291.00.

35. SUBJECT Company code, alphabetically, frequency assignment, company code order (mhz and khz) company code, numerical, frequency assignment, frequency order (mhz and khz). Include all regions, include company code on frequency assignment fiche.
- RESPONSE Exempt, 13(1)(a), 13(1)(c), 13(1)(d) 14, 15(1) Internat. rel., Defence, Subversive activities, 16(1)(c), 16(2), 17, 19(1), 20(1)(b), 20(1)(c), 20(1)(d).
36. SUBJECT Report No. 3 of frequency assignments without company codes for regions 1, 2, 4, 5, and 6 on microfiche.
- RESPONSE All disclosed.
- FORMAT Copies given, microfiches.
- FEEES \$5.00.
37. SUBJECT The following information is requested in regard to: Classic Communications Limited, 244 Newkirk Road, Richmond Hill, Ontario L4C 3S5 - most recent proof of performance submission - application for a Technical Construction and Operating Certificate for a New Broadcasting Receiving (Cable Television) undertaking, (Technical Brief).
- RESPONSE All disclosed.
- FORMAT Copies given, paper 36 pages.
- FEEES \$5.00.
38. SUBJECT Would like to know if (a departmental official) is currently on official business abroad, if so what are his destinations, duration of travel, projected cost and purpose of travel?
- RESPONSE All disclosed.
- FORMAT Copies and examination.
- FEEES \$5.00.

39. SUBJECT List of all professional contracts let by the department or MINO since September 4, 1984. Request list of contracts, dates for contracts and duration, value of contract, person or company to whom they were let.
- RESPONSE All disclosed.
FORMAT Copies given, paper 27 pages.
FEES \$5.00.
40. SUBJECT Printout of expenditures for temporary help services. Line object 2505 for fiscal year 1984-1985. Arranged by collator number and project number. National Capital Region only. Names of all individuals with signing authority under each collator number, arranged by project. Printout of proposed budget figures for temporary help services. Line object 2505 for fiscal year 1985-1986. National Capital Region only. Names of all individuals with signing authority under each collator number, arranged by project.
- RESPONSE Disclosed in part. Only part 1 was available at that time, part 2 could be available by the end of July.
- FORMAT Copies given.
FEES \$55.49.
41. SUBJECT My topic of interest is policy and legal opinions in relation to satellite earth stations and prosecutions for offences under the Broadcasting Act and the Radio Act. I am interested in any formal opinions given to the Department of Communications and the CRTC. I am also interested in any related memoranda of law and fact as well as any statistical studies and surveys.
- RESPONSE Abandoned, much information given on simultaneous requests.
- SUBJECT Domestic Frequency List, Report No. 7 (MHz station order).
- RESPONSE All disclosed.
FORMAT Copies given, microfiches.
FEES \$5.00.

43. SUBJECT My topic of interest is information on policies and programs in relation to satellite communications in Canada. I have a specific interest in the policies and programs with regard to Telesat Canada, Symphonie, Anik B Satellite, direct broadcast planning, and future space programs with regard to Telesat Canda. My interest is not a technical one but a policy and legal approach to this subject matter. What is the policy of the department in relation to point-to-point communications satellites, direct broadcast statellites, and earth stations. What are the major programs in these areas. A detailed summary along with major policy and program documents would suffice.

RESPONSE All disclosed.
FORMAT Copies and examination.
FEES \$5.00.

44. SUBJECT My topic of interest is prosecutions under the Radio Act with regard to illegal satellite earth stations. I would like a summary of cases in which prosecutions were carried out along with written court judgments where applicable. Included in this group of prosecutions are cases where municipalities have enacted by-laws to prohibit dish antennas. Could you please send me all the information that you have in relation to prosecutions brought under the Radio Act as well as cases where the department has been in party in cases involving municipal prosecutions? Also in relation to the above, I would like a copy of the Radio Act as well as regulations in relation to satellite earth stations along with subsequent amendments and the legal interpretation and enforcement policy of these regulations.

RESPONSE All disclosed.
FORMAT Copies given, paper 32 pages.
FEES \$12.25

45. SUBJECT My topic of interest is information on Canadian policy on international telecommunications with regard to the ITU and the United Nations Committee on Peaceful Uses of Outer Space. I would also be interested in any interchange agreements between Teleglobe and Telesat Canada. I am interested in the role that Canada has played in drafting new treaties and regulations at the ITU and in drafting a direct broadcasting treaty at the UN.

RESPONSE Disclosed in part, not enough information; much
information given on simultaneous requests.
FORMAT Copies given.
FEES \$5.00.

46. SUBJECT My topic of interest is information on the
constitutional authority of the federal government
in the area of communications from 1976 to 1985. I
am interested in the major court decisions and legal
opinions in this area including the Minister's
study, A New Division in the Powers of
Communications. I am interested in the basic legal
decisions and the major constitutional proposals
that have evolved from the provinces and the central
government from 1976 to the present. If you have
anything in particular in relation to the legal
issue of satellite broadcasting and the licensing of
earth stations, I would be greatly interested.
Also, anything dealing with the legal powers and
legal decisions dealing with Telesat Canada would be
of great interest.

RESPONSE All disclosed.
FORMAT Copies given, paper 245 pages.
FEES \$9.00.

47. SUBJECT My topic of interest is information on economic
aspects related to the telecommunications field with
regard to Telesat Canada and its links to the TCTS
system (Telecom Canada). Also, I am interested in
any information that you may have with regard to the
economic aspects of broadcasting by satellite,
especially direct broadcasting by satellite.

RESPONSE All disclosed.
FORMAT Copies and examination, 72 pages.
FEES \$5.00.

48. SUBJECT My topic of interest is in relation to federal and provincial legislation in the area of communications. A list of federal and provincial acts, federal bills and future legislation would be helpful. I am especially interested in copies of the Radio Act, the Broadcasting Act, and regulations in relation to satellite earth stations. Also, I am interested in any laws and regulations that affect Telesat Canada and especially its relations to the TCTS system. I am basically interested in the legality of federal and provincial legislation generally and in the legal powers of Telesat Canada and the licensing of earth stations in particular. Are there any provincial programs that deal with satellite communications? Is there any federal or provincial legislation in a draft form that deals specifically with the area of satellite communications and/or earth stations?

RESPONSE All disclosed.
FORMAT Copies given, paper 106 pages.
FEES \$5.00.

49. SUBJECT My topic of interest is information on social policies and programs in the telecommunications field with regard to Telesat Canada and the broadcasting field with regard to satellite communications. I am especially interested in broadcasting policy with regard to direct broadcast satellites. I am also interested in the telecommunications policy of Telesat Canada and its relation to the TCTS system (Telecom Canada). Could you please send me any major policy documents in these two fields as well as any major program documents. What is the interconnection policy of the department in relation to Telesat Canada and the TCTS system?
- RESPONSE Disclosed in part, not enough information; much information given on simultaneous requests.
- FORMAT Copies given.
- FEEES \$5.00.
50. SUBJECT Provide current classification evaluation rationale for position ASB-3159.
- RESPONSE All disclosed.
- FORMAT Copies given, 3 pages.
- FEEES \$5.00.
51. SUBJECT Details of the renovations to the offices of the Minister of Communications and his exempt staff between Sept. 17, 1984 to March 31, 1985, including alterations, redecoration and new furnishings and equipment and additional space occupied, at the Parliament Hill and departmental locations, including work completed, work under way and renovations ordered but not yet begun with costs of same.
- RESPONSE All disclosed.
- FORMAT Copies given, 75 pages.
- FEEES \$5.00.

52. SUBJECT Records that would enable me to know since 1977 what Cabinet discussion papers (section 69(1)(b) of the Access Act) have been done by your agency that fall under section 69(3)(b)(i), 69(b)(ii) and 69(1)(b) where the cabinet discussion paper could not be severed from the Cabinet memorandum for public release.
- RESPONSE Disclosed in part, 20(1)(b), 13(1)(c), 21(1)(a), 15(1) Internat. rel. Excluded, 69(1)(g), 69(1)(b).
- FORMAT Examination 110 copies given.
- FEEES \$5.00.
53. SUBJECT Radio station licence information as follows;(a) land licences, category C,F,J,L,(b) mobile licences, category B, E, H,(c) 25 mhz to just below 890 mhz, (d) fee paying licensees only, postal code, transmit frequency, receive frequency, power, band width and emission, type approval number, station location (coordinates), type of operation, standard industrial code, application date, number of mobiles associated to a base equipment class.
- RESPONSE All disclosed.
- FORMAT Copies given, computer tape.
- FEEES \$1590.25.
54. SUBJECT The number of radio licenses issued by manufacturer on Vancouver Island for the years 1982/83, 1983/84 and the most up to date information for 1984/85. How many licenses were issued for Midland Radios, Marconi Radios, Motorola Radios and so on.
- RESPONSE Abandoned; information could not be assembled with degree of accuracy required.
- FEEES \$5.00.
55. SUBJECT CBC Tower in Penetanguishene, Ontario 44 46 10" N and 79 59 25" W capital cost and facilities. Site and improvements, building power circuits and ventilation equipment. Tower including lighting, erection and mounting or antenna. Transmitting antenna and deicers. Transmission lines, transmitter and R.F. load. Input and monitoring equipment. S.T. microwave equipment and accessories. System engineering and installation of electrical equipment.

RESPONSE Disclosed in part, 19(1).
FORMAT Copies given, 17 pages.
FEES \$0.00; sequel to earlier request.

56. SUBJECT Personal service contracts of Prof. Thomas Symons
including expenses for 1981-82.
RESPONSE Disclosed in part, 19(1).
FORMAT Copies and examination, 105 pages.
FEES \$5.00.

57. SUBJECT Specifically what I am looking for is a list of
frequencies, already allocated for use in the areas
which I live, and possibly the surrounding areas and
cities. The frequency range I am interested in is
30,000 mhz to 512,0000 mhz.
RESPONSE All disclosed.
FORMAT Copies given, microfiches.
FEES \$5.00.

58. SUBJECT Information on emergency telecommunications planning.
Exempt, 13(1)(c), 16(2), 17, 20(1)(b).
FEES \$5.00.



-35-

Your file *Voire référence*

Our file *Notre référence*

300 Slater Street,
Room 404,
Ottawa, Ontario.
K1A 0C8

Dear

We received your Access to Information Request Form on March 17, 1986. In order to provide you with access to the information you have requested, charges have been assessed under Sections 11(2)(3) and (4) of the Act, for a total of \$99.00.

Please note that the cost for the first 5 hours has been borne by our institution. The charges are required to cover the following:

3 hrs programming at \$20 p.h.	\$ 60.00
2 min. CPU time at \$16.50 p.m.	33.00
3000 lines at \$2.00 per 1000 lines	<u>6.00</u>
Total	\$ 99.00

If you wish us to proceed with your request, please forward a cheque of \$99.00 made payable to the Receiver General for Canada. Payment of your deposit must be received by this office within 30 days of mailing to continue consideration of your request.

Please be advised that you are entitled to bring a complaint regarding the amount of fees to the Information Commissioner, within one year of the date of your request. Notice of complaints should be addressed to the:

Information Commissioner,
Place de Ville, Tower B,
112 Kent Street, 14th floor,
Ottawa, Ontario.
K1A 1H3

Yours sincerely,

Jean Bélanger,
Access to Information and
Privacy Coordinator.



-37-

300 Slater Street,
Room 404,
Ottawa, Ontario.
K1A 0C8

Your file *Voire référence*

Our file *Notre référence*

Dear

This is in response to your Access to Information request, which was received by this Department on April 22, 1986. In it, you have requested "access to all records which will enable you to know who holds valid licenses for radio operations in the VHF and UHF radio band, 130.000 MHz to 144.000 MHz and 146.000 MHz to 1000.000 MHz excluding the public VHF Marine band located in the 156.000 MHz area". You further specify that you wish, for the provinces of B.C. and Alberta:

- A) frequency
- B) location of the base or area
- C) identity of the individual, group or agency
- D) mode of transmission

This information is held by the Department in a large computer database, from which we produce public reports in microfiche format. One such report, report number 3, contains all the information which you have requested except the name and street address of the licensee. Some of the information on report number 3 was provided to this Department by the licensees with the expectation that it would be held in confidence; it might be eligible for protection from disclosure by sections 13, 14, 15, 16, 17, 19 or 20 of the Access to Information Act (see attached photocopies). The provision of a name and/or address with a frequency would permit this information to be linked to data already published in report number 3 and others, since the frequency would serve as a decode. You have also requested that certain technical information be provided to you and this information may qualify for exemption under any of the above sections of the Act.

We do not have sufficient information in our possession to determine which data must be protected and which may be released to the general public, and the only way to determine whether the data may be released is to consult the licensees. I will now discuss this consultation process.

The names, call signs, and addresses of licensees who are private individuals would normally constitute personal information as defined in section 3 of the Privacy Act, and thus would be protected from disclosure pursuant to section 19 of the Access to Information Act. The Minister is of the opinion that the public interest in disclosure of the names and call signs, but not the addresses, of these licensees outweighs the invasion of privacy which might result from the release of this information. Unfortunately, release of any names and call signs, as explained above, would permit the decoding and therefore disclosure of information which might qualify for exemption under the Access to Information Act. In order to meet the legislated requirements to protect this information, the Department would have to do the following:

- 1) consult with licensees, to determine the sensitivity of their licensing data, requesting justifications for any requests to protect data
- 2) consolidate the new information collected and reprogram the spectrum management database in order that it could accept and manipulate the data
- 3) prepare this new machine readable record.
- 4) produce a printout, using the new data and programming to sever the sensitive information under section 25 of the Access to Information Act.

I shall deal serially with the implications of these four processes:

- 1) There are at present about 1.1 million radio licences in Canada, including 359,000 in B.C., Alberta, Saskatchewan Manitoba and the Territories. You have asked us to provide information for all those in Alberta and B.C. in the frequency range 130 MHz to 1000 MHz excluding 144-146 MHz and the public VHF Marine band at 156 MHz. No doubt you can appreciate that we have received requests similar to your own from other regions of Canada. Informal surveys have indicated that a great many licensees do not wish to have the information they provide released to the public. This of course does not necessarily mean it would qualify for exemption under the Access to Information Act; each item of information would have to be reviewed by the Department to establish whether or not it qualified for protection. The cost of consulting with each licensee in order to make a determination as to the sensitivity of their licensing information would be astronomical, and it is simply not feasible to contemplate such a measure during these time of financial restraint.

2) and 3) Were the data on sensitivity of the radio licensing information available, there remains the mammoth task of reprogramming the computer and inputting the data. Subsection 4(3) of the Access to Information Act provides:

"For the purposes of the Act, any record requested under this Act that does not exist but can, subject to such limits as may be prescribed by regulation, be produced from a machine readable record under the control of a government institution using computer hardware and software and technical expertise normally used by the government institution shall be deemed to be a record under the control of the government institution".

Section 3 of the Access to Information Regulations provides:

"For the purpose of subsection 4(3) of the Act a record that does not exist but can be produced from a machine readable record under the control of a government institution need not be produced where the production thereof would unreasonably interfere with the operations of the institution."

Given the volume of licences, and the complexity of interpreting, consolidating, and inputting the data, the production of this new machine readable record would most certainly unreasonably interfere with the operations of the Department. Therefore, even if the data concerning the sensitivity of radio licensing information were available, it would be impossible to undertake the task at this time.

4) Were the new machine readable record or modified database to be produced, it would then be necessary to produce a program which would sever the sensitive information from the printout which you wish to have prepared. Besides the obvious programming costs, all costs and labour associated with the three steps mentioned above are directly attributable to the requirement to sever the document (database). Section 25 of the Access to Information Act provides:

"25. Notwithstanding any other provision of this Act, where a request is made to a government institution for access to a record that the head of the institution is authorized to refuse to disclose under this Act, by reason of information or other material contained in the record, the head of the institution shall disclose any part of the record that does not contain, and can reasonably be severed from any part that contains, any such information or material."

Given the large volume of material requested, and the complexity and expense involved in the four steps necessary to sever the document, it is our view that the Department cannot reasonably undertake such an exercise.

For these reasons, I regret that I am unable to provide the information which you have requested. We are happy to send you, however, at no charge, a copy of report number 3 on microfiche for the regions of B.C. and Alberta, Saskatchewan, Manitoba and the Territories. This report gives much of the information which you have requested and may be viewed free of charge on the microfiche reader at our Kelowna District Office. Please do not hesitate to contact our Access to Information and Privacy Secretariat Coordinator, Ms. Stephanie Perrin, at (613) 990-4131 should you wish further information.

Yours truly,

Jean Bélanger,
Access to Information and
Privacy Coordinator

Encls.



-41-

Your file Votre référence

Our file Notre référence

Pour faire suite à votre lettre du 1er janvier 1985, vous trouverez ci-joint les microfiches du rapport no. 3 en entier.

Vous nous avez demandé une copie du rapport no. 20 même si l'information est périmée. Malheureusement, ce rapport contient des renseignements personnels qui sont protégés sous l'article 19 de la Loi sur l'accès à l'information. Nous devons prélever ces renseignements personnels avant de vous faire parvenir une copie de cette microfiche. Les étapes de la préparation sont les suivantes:

- 1) faire imprimer sur papier une copie du microfilm 16mm. qui date de septembre 1981, c'est-à-dire 985 pages, à raison de 79 indicatifs d'appel par page;
- 2) développer un programme afin d'extraire les indicatifs d'appel, le nom des titulaires de permis et le genre de licence, de la base de données. Ceci doit être complété pour chacun des titulaires de permis des stations terriennes à l'exception des amateurs;
- 3) faire imprimer sur papier une copie de ces renseignements;
- 4) comparer l'information sur l'ancien microfilm avec l'information sur la base de données pour nous indiquer quelles licences sont détenues par des particuliers et lesquelles sont détenues par des compagnies. Les renseignements qui concernent les licences détenues par des particuliers ne peuvent pas être divulgués en vertu de l'article 19 de la Loi.

5) Sur la copie du microfilm, prélever les noms, adresses et indicatifs d'appel des individus et des titulaires qui ne sont pas actuellement dans notre base de données (étant donné que le taux d'attrition des licences est de 10% par année);

6) vous faire une copie de ce document prélevé.

Tout ce processus prendrait un certain temps, et en vertu de la Loi, les frais de préparation sont attribuables à la personne qui fait la demande. Les règlements sur l'Accès à l'information pour les frais de préparation de documents se décrivent comme suit:

"7.(1) Sous réserve du paragraphe 11(6) de la Loi, la personne qui présente une demande de communications d'un document doit payer

a) un droit de 5 \$ au moment de présenter la demande; et

b) s'il y a lieu, un droit pour la reproduction d'une partie ou de la totalité du document, établi comme suit:

i) photocopie d'une page dont les dimensions n'excèdent pas 21,5 cm sur 35,5 cm, 0,25 \$ la page,

ii) reproduction d'une microfiche, sans emploi d'argent, 0,40 \$ la fiche,

iii) reproduction d'un microfilm de 16mm, sans emploi d'argent, 12 \$ la bobine de 30,5 m,

iv) reproduction d'un microfilm de 35mm, sans emploi d'argent, 14\$ la bobine de 30,5 m,

v) reproduction d'une micro-forme sur papier, 0,25 \$ la page et

vi) reproduction d'une bande magnétique sur une autre bande, 25 \$ la bobine de 731,5 m.

2) Lorsque le document demandé en vertu du paragraphe (1) n'est pas informatisé, le responsable de l'institution fédérale en cause peut, outre les droits prescrits à l'alinéa (1)(a), exiger le versement d'un montant de 2,50 \$ la personne par quart d'heure pour chaque heure en sus de cinq passées à la recherche et à la préparation.

3) Lorsque le document demandé conformément au paragraphe (1) est produit à partir d'un document informatisé, le responsable de l'institution fédérale en cause peut, en plus de tout autre droit, exiger le paiement du coût de la production du document et de la programmation, calculé comme suit:

a) 16,50 \$ par minute pour l'utilisation de l'unité centrale de traitement et de tous les périphériques connectés sur place; et

b) 5 \$ la personne par quart d'heure passé à programmer l'ordinateur."

Le ministère des Communications acquitte les frais d'impression de la première copie du microfilm et des renseignements de la base de données (voir étapes numéros 1 et 2). Les coûts pour les étapes 5 et 6 sont attribuables en vertu de l'article 11 de la Loi et les frais sont déterminés dans les règlements du Conseil du Trésor. Ils sont calculés comme suit:

préparation	10,00 \$ @ h	488 h x 10\$	4 880.00 \$
photocopies	0.25 \$ @ p	985 p x .25	246.25
		Total	<u>5 126.25 \$</u>

Il est important de noter que cette version risque d'être moins utile que la nouvelle version du rapport # 20. De plus les frais pour un exemplaire de cette version du rapport # 20 sont plus élevés que pour la nouvelle version. Tel qu'offert dans notre lettre du 24 décembre dernier, si vous voulez que nous procédions avec la nouvelle version de ce rapport, veuillez nous faire parvenir un chèque de 948,00 \$ ou 1 398,00 \$ payé à l'ordre du Receveur général du Canada. Ces frais sont déterminés ci-dessous:

programmation	40,00 \$
développement	33,00
production	825,00
impression (papier)	500,00
Total (rapport imprimé)	<u>1 398,00 \$</u>
ou impression (microfiche)	50,00
Total (microfiche)	<u>948,00 \$</u>

A cause des recherches qu'il nous faudra entreprendre, nous aurons besoins d'une période additionnelle de 60 jours en plus de la limite de 30 jours stipulée dans la Loi pour répondre à votre demande.

Je vous signale que vous pouvez déposer une plainte concernant cette prorogation et ces frais à l'adresse suivante:

Le Commissaire à l'information
Place de ville, Tour B
Ottawa (ONTARIO)
K1A 1H3

Je vous prie d'agréer, Monsieur, l'expression de mes sentiments les meilleurs.

Le Coordonnateur de l'Accès
à l'information et de la
protection des
renseignements personnels,


J.A.F. Vieni

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-44-

300 Slater Street,
Room 404,
Ottawa, Ontario.
K1A 0C8

Your file *Voire référence*

Our file *Notre référence*

Dear

This is further to your request for access to documents pertaining to a request by the Government of Canada to the Government of the United States, that the U.S. impose import restrictions on certain Canadian archeological and ethnological artifacts. I enclose a number of public information materials available from this Department, which provide a background to this issue.

A number of documents have been identified which pertain to this request, and a few of them may be released to you at once. The total number of such pages is 628, and they may be either viewed in one of our offices or you may purchase photocopies at \$0.20 per page. Since it is our policy to waive the first 100 pages of photocopying, the total owing would be \$105.60, if you wish copies of everything. I enclose a list of documents with approximate number of pages. Upon receipt of your cheque made payable to the Receiver General for Canada, we will be happy to ship a copy of the documents to you. Should you wish to make arrangements to view them, please inform us within 30 days.

Certain other documents have not been released at this time, because consultation with other parties was required. You will be hearing from us soon concerning these other records.

Please do not hesitate to contact Stephanie Perrin, our Access to Information and Privacy Secretariat Coordinator at (613) 990-4131, should you have any further questions. Please note that you have the right to bring a complaint regarding the amount of fees assessed, to the Information Commissioner. Notice of complaints should be addressed to the:

Information Commissioner,
Place de Ville, Tower B,
112 Kent Street,
Ottawa, Ontario.
K1A 1H3

Yours truly,

Jean Bélanger,
Access to Information and
Privacy Coordinator

DOCUMENTS RELATING TO ACCESS REQUEST 5210-3(148)

<u>DOCUMENT</u>	<u>#OF PAGES</u>	<u>DATE</u>	<u>FROM/TO</u>	<u>SUBJECT</u>	<u>ACTION</u>
LETTER	1	20/5/77	I. Clark to A.J. Mikva	Accession to UNESCO Convention	RELEASE
TELEX "Unclassified"	1	19/10/77	Ext. Ott to Sec. State Ott	Accession to UNESCO Conv.	RELEASE
Copy of Published Article	2	8/77		Accession to UNESCO Conv.	RELEASE
LETTER	1	1/11/77	Clark to Tovell	Accession to UNESCO Conv.	RELEASE
LETTER	1	2/11/77	R. Amory to L. Levy	Accession to UNESCO Conv.	RELEASE
REPORT	21	21/9/77	Ways and Means Cttee re: implement of UNESCO Conv.		RELEASE
LETTER	2	18/11/77	Levy to Burnham	Accession to UNESCO Conv.	RELEASE
LETTER	1	18/11/77	Duemling to Clark	Accession to UNESCO Conv.	RELEASE

DOCUMENTS RELATING TO ACCESS REQUEST 5210-3(148)

<u>DOCUMENT</u>	<u>#OF PAGES</u>	<u>DATE</u>	<u>FROM/TO</u>	<u>SUBJECT</u>	<u>ACTION</u>
LETTER	1	18/11/77	Levy to Amory	Accession to UNESCO Conv.	RELEASE
LETTER	2	7/12/77	Perrot to Clark	Accession to UNESCO Conv.	RELEASE
ACT	25	19/10/77	H.R. 5643	Act to implement UNESCO Conv.	RELEASE
LETTER	1	3/1/78	Duealing to Clark	H.R. 5643	RELEASE
PRESS CLIPPING	1	6/2/78	Washington Post	Importing Antiquities	RELEASE
PRESS CLIPPINGS	2	21/2/78	Art News Letter	UNESCO Convention	RELEASE
LETTER	1	12/2/78	Coggins to Clark	UNESCO Convention	RELEASE
LETTER	2	28/2/78	Clark to Coggins	UNESCO Convention	RELEASE
ARTICLE	44	1980-81	U.S. State Dept.	UNESCO Convention	RELEASE
BILL	7	9/11/73	U.S. Senate	UNESCO Convention	RELEASE
LETTER	1	22/3/83	Preston to Mahoney	UNESCO Convention	RELEASE
TRANSMITTAL NOTICE	1	5/4/83	Consulate N.Y. to Ext. Ott.	Conference	RELEASE
PRESS RELEASE	2	28/1/84	U.S.A.	Appt. of Guthrie	RELEASE
PRESS CLIPPING	4	12/2/84	Washington Post	Missing Treasures	RELEASE
LETTER & ANNEXES	20	3/84	UNESCO to Ext. Ott.	U.S. Accession to UNESCO Conv.	RELEASE
OCCASSIONAL PAPER	100	7/84	CDN Commission for UNESCO	U.S. Accession to UNESCO Conv.	RELEASE

DOCUMENTS RELATING TO ACCESS REQUEST 5210-3(148)

<u>DOCUMENT</u>	<u>#OF PAGES</u>	<u>DATE</u>	<u>FROM/TO</u>	<u>SUBJECT</u>	<u>ACTION</u>
REPORT	143	1977	Subcommittee on Trade U.S. Gov't	Hearings Report	RELEASE
REPORT	43	1976	Subcommittee on Trade U.S. Gov't	Written Comments	RELEASE
MEMO	1	14/9/84	Preston to Haunton	Forwarding Info.	RELEASE
MEMO	1	18/9/84	Johnson to Preston	Returning Inf.	RELEASE
LETTER	1	18/9/84	Guthrie to Gotlieb	U.S. Accession to UNESCO Conv.	RELEASE
ADDENDUM	Docs. on Volume 1				
LETTER	1	13/4/84	Preston to Guthrie	Appointment	RELEASE
LETTER AND AGENDA	2	23/8/84	Papageorge to Preston	Meeting	RELEASE
LETTER	1	31/8/84	Preston to Papageorge	Meeting	RELEASE
MEMO	1	27/9/84	Preston to C.A. Branch	U.S. signing of UNESCO Conv.	RELEASE
BINDER	approx. 100	9/84	U.S.I.A.	Info on Conv. on C.P.	RELEASE
LETTER	1	24/9/84	Picard to Preston	Forwarding documents	RELEASE
LETTER	1	1/11/84	Thomson to Preston	destruction of archaeological sites	RELEASE
LETTER	1	3/12/84	Preston to Thomson	Bilateral agreement	RELEASE
LETTER	1	6/12/84	Preston to Guthrie	Bilateral agreement	RELEASE
MEMO	1	6/12/84	Preston to Haunton	Bilateral agreement	RELEASE
MEMO	1	6/12/84	Preston to Skok	Bilateral agreement	RELEASE

DOCUMENTS RELATING TO ACCESS REQUEST 5210-3(148)

<u>DOCUMENT</u>	<u>#OF PAGES</u>	<u>DATE</u>	<u>FROM/TO</u>	<u>SUBJECT</u>	<u>ACTIC</u>
LETTER	1	20/12/84	Preston to Cinq Mars	Request for agreement	RELEASE
GUIDELINES	8				RELEASE
LETTER	1	6/12/84	Flewelling to-Masse	Bilateral Agreement -Fossils	RELEASE
LETTER	1	28/1/85	Preston to Vastokas	Bilateral agreement	RELEASE
LETTER & CLIPPINGS	2 - 7	28/13/85	Janes to Preston	Looting of sites	RELEASE
LETTER	2	12/2/85	MacDonald to Preston	need for agreement	RELEASE
LETTER	1	19/2/85	Walden to MacDonald	acknowledgement	RELEASE
LETTER	1	13/2/85	Currie to Preston	inclusion of fossils	RELEASE
LETTER	1	19/23/85	Walden to Currie	acknowledgement	RELEASE
LETTER	1	18/2/85	Dyck to Preston	need for agreement	RELEASE
LETTER	1	20/2/85	Walden to Dyck	acknowledgement	RELEASE
LETTER	2	12/2/85	Fitzhugh to Preston	support of agreement	RELEASE
LETTER	1	22/2/85	Walden to Fitzhugh	acknowledgement	RELEASE
LETTER	1	4/3/85	Walden to Milrad	info on U.S. Law	RELEASE

DOCUMENTS RELATING TO ACCESS REQUEST 5210-3(148)

DOCUMENT	#OF PAGES	DATE	FROM/TO	SUBJECT	ACTION
MEMO & ATTACHMENT	1 - 13	28/2/85	Walden to Skok	Forwarding request	RELEASE MEMO
MEMO	1	5/3/85	Walden to Skok	Forwarding appendices	RELEASE MEMO
MEMO	1	24/9/85	Walden to Thera	Presentation of request	RELEASE
MEMO	2	24/9/85	Walden to Perrier	Press Release	RELEASE
LETTER	2	27/9/85	Bouchard to Wick	Presenting request	RELEASE
MEMO	1	27/9/85	Walden to MacDonald	Arranging presentation	RELEASE
INVOICE	1	1/10/85	DSS TO DOC Printing of Req.	Design & Printing of Req.	RELEASE
PRESS RELEASE	2	2/10/85	DOC	Announcing presentation of Req.	RELEASE
para. 16(1)					
PRESS CLIPPING	1	3/10/85	Vancouver Sun	Culture Pact Sought	RELEASE
INVOICE	1	18/10/85	Wendesigns	Prep of binders	RELEASE
LETTER	1	4/11/85	Preston to Guthrie	Forwarding photos	RELEASE
PHOTO	1	N.A.		Presentation of request	RELEASE
PRESS CLIPPING	1	3/10/85	N.Y. Times	Request for curb on imports	RELEASE
PRESS RELEASE	2	2/10/85	U.S.A.	Canada files request	RELEASE
NOTE	1	10/10/85	Guthrie to Walden/Preston	Forwarding clippings	RELEASE
PRESS CLIPPING	1	28/10/85	MacLeans	Robbing ancient graves	RELEASE

DOCUMENTS RELATING TO ACCESS REQUEST 5210-3(148)

<u>DOCUMENT</u>	<u>#OF PAGES</u>	<u>DATE</u>	<u>FROM/TO</u>	<u>SUBJECT</u>	<u>ACTION</u>
<u>START VOL. 3</u>					
NOTE AND ATTACHMENT	2	8/11/85	Bishop-Glover to Preston	Repatriations	RELEASE
LETTER	1	5/11/85	Walden to Guthrie	Press coverage	RELEASE
TELEX	1	17/12/85	Pesco to Walden	Background on requests	RELEASE
LETTER	1	20/11/85	Clark to Walden	Background on requests	RELEASE
LETTER	2	2/12/85	Preston to Clark	Forwarding background	RELEASE

4540-3-2 WALLET A

APPENDICES TO REQUEST FOR AGREEMENT

E	4			Summary of Provincial Laws	RELEASE
F	1			New publication - Announcement	RELEASE

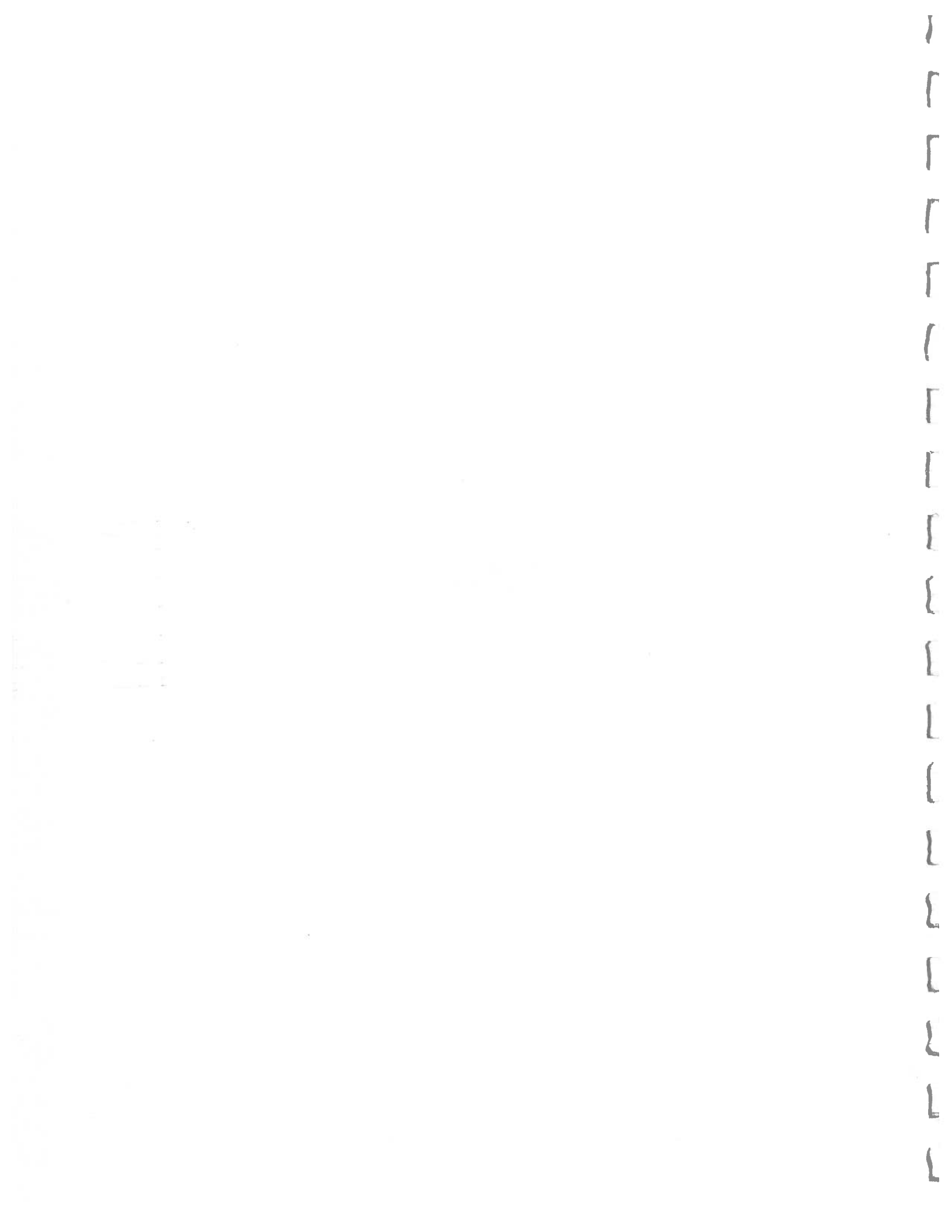
File 4540-3-2 WALLET A

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DOCUMENTS RELATING TO ACCESS REQUEST 5210-3(148)

<u>DOCUMENT</u>	<u>#OF PAGES</u>	<u>DATE</u>	<u>FROM/TO</u>	<u>SUBJECT</u>	<u>ACTION</u>
H	1 document			C.P. control list	RELEASE
I	FORM			C.P. Export Permit	RELEASE
J	Memo & Annex	8/2/85	Robayo to Preston	Territorial Waters	RELEASE APPENDIX
L	3 printed doc.			Annual Reports-Brochures	RELEASE

**REPORT ON PRIVACY
1985-1986**



A) Statistics



Government of Canada

Gouvernement du Canada

REPORT ON THE PRIVACY ACT

Institution Department of Communications	Reporting period April 1, '85 - March 31, '86
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I Requests under the Privacy Act		II Disposition of requests completed			
Received during reporting period	9	1. All disclosed	4	6. Insufficient information	0
Outstanding from previous period	0	2. Disclosed in part	2	7. Abandoned	0
TOTAL	9	3. Nothing disclosed (excluded)	0	8. Does not exist	0
Completed during reporting period	6	4. Nothing disclosed (exempt)	0	9. Transferred	0
Carried forward	3	5. Unable to process	0	TOTAL	6

III Exemptions invoked					IV Exclusions cited		
S. 18 (2)	0	S. 21	0	S. 23 (b)	0	S. 69 (1) (a)	0
S. 19 (1) (a)	0	S. 22 (1) (a)	0	S. 24	0	(b)	0
(b)	0	(b)	0	S. 25	1	S. 70 (1) (a)	0
(c)	0	(c)	0	S. 26	1	(b)	0
(d)	0	S. 22 (2)	0	S. 27	0	(c)	0
S. 20	0	S. 23 (a)	0	S. 28	0	(d)	0
						(e)	0
						(f)	0

V Completion time		VI Extensions			VII Translations		VIII Method of access			
30 days or under	6		30 days or under	31 days or over	Translation requested	0	Copies given	3		
31 to 60 days	0	Interference with operations	0	0	Translation prepared	English to French	0	Examination	0	
61 to 120 days	0	Consultation	0	0			French to English	0	Copies and examination	3
121 days or over	0	Translations	0	0			TOTAL	0		

IX Correction and notation					
Corrections requested	1 *	Corrections made	0	Notation attached	0

X Costs	
Financial (all reasons)	
Salary	\$ 18,991
Administrative (O and M)	\$ 7,116
TOTAL	\$ 37,667
Person year utilization (all reasons)	
Person year (decimal format)	0.61

* STILL PENDING

XI Complaints to privacy commissioner	
Complaints activity	
Outstanding from previous period	0
Number initiated during period	1
Number completed during period	1
Number carried forward	0
Reasons for complaints	
Use and disclosure	0
Non disclosure	1
Extension	0
Publication	0
Denial of translation	0
Time to prepare translation	0
Other	0

Complaints to privacy commissioner (con't)	
Disposition of complaints	
Complaint unjustified	0
Concurrence with institution	1
No finding	0
Recommendation accepted	0
Recommendation rejected	0

Number of new exempt banks	
XII Appeals to Federal Court	
Outstanding from previous period	0
Number initiated during period	0
Number completed during period	0
Number carried forward	0

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B) INTERPRETATION

Costs of the ATIP Secretariat

During the first two years of implementation of the Privacy Act, the Department only received 6 relatively simple requests for personal information. However, this year we received 9 requests, or three times the former annual rate. We assume that this is because very gradually, our employees are becoming more aware of their rights under the new legislation, particularly in the area of staff relations records.

The staff of the ATIP Secretariat continue to spend a significant portion of their time addressing the issues of retention, protection, and disclosure of personal information. In 1983/84, only 10% of the ATIP Secretariat costs were attributed to implementation of the Privacy Act, but this figure was raised to 25% in the second quarter of 1984/85 in order to more accurately reflect this activity. We have continued to use this ratio in 1985/86.

Personnel Costs

A system has been developed to track the time spent by other departmental personnel on each request, and on other activities such as briefing sessions, policy development, and activities related to the Index of Personal Information. Salary costs are reported quarterly, and the total costs are calculated as shown below:

Coordinator of Secretariat (1 officer)	25% of lpy X salary
Administrative Assistant (1 support position)	25% of lpy X salary
Other personnel, individually	time spent as % of py X salary

Operational Costs

Materials cost for response to each enquiry	100% of total
Access Inquiry database costs	25% of total
Other administrative costs such as photocopying, publications, travel, etc.	25% of total

Requests Carried Over

Three requests were carried over because they were received during the last month of the reporting period.

C) PRACTICES AND PROCEDURES

Organization of Privacy Activities

Privacy requests are routed to the ATIP Secretariat which was set up by the ATIP Coordinator to handle both access and privacy requests. The routing of documents has been explained in detail in section C of the Access to Information Report.

Records Management have undertaken a review of all retention schedules, to ensure that they are in accordance with the Act. Records audits were conducted during 1984/1985 both at headquarters and in the regions, and staff were briefed on the requirements of the Privacy Act in terms of reporting and protecting all personal information.

The Department has a decentralized file system in which each responsibility centre maintains a records system for its own programs. There are more than 80 such systems in operation within the Department. Records Management and the Access to Information and Privacy Secretariat maintain a centrally-managed database of Departmental file holdings, including EDP records, which lists all personal information. The database does not duplicate the personal information holdings, but provides finding aids to assist in locating the records requested. These finding aids include file numbers, responsibility centres, and the retention and disposal schedules for the documents. Cross references to the class of documents as recorded in the Access Register and the Index to Personal Information are included.

During 1986/87, we intend to prepare a much more detailed inventory of all EDP holdings.

Privacy Implementation

Administrative actions concerning privacy requests are documented in the Access Inquiry database described in section C of the Report on Access to Information. All personnel have been advised of the requirement to handle notations to file, should they receive one, under section 12(2) of the Privacy Act.

During this fiscal year, we received our first official request for a notation to file. The ATIP Secretariat has developed provisional guidelines for determining whether a request for correction of a document should be granted. The draft guidelines are reproduced here in their entirety, in order to give an idea of the approach which we are taking, although we expect to refine them considerably as we gain more experience with this type of request.

PRELIMINARY GUIDELINES FOR THE EVALUATION OF RECORD CORRECTION
REQUESTS

A sub-committee of the Corporate Review Panel will be called to deliberate on all requests received, unless management immediately agrees to the total correction. Since the issues discussed relate to personal information, only those necessary for the evaluation should be present. Normally, this would include the following individuals:

ATIP Coordinator
ATIP Secretariat Coordinator
Director, Staff Relations
Supervisor of employee
Sector Coordinator
Any persons named or implicated in the document
Originator of the document

Requests to correct records containing personal information usually involve three types of information:

1. Simple Facts: birth date, number of dependents, particulars of a curriculum vitae
2. Opinions: about the individual, including appraisals, evaluations of personal suitability
3. Descriptions of events: usually involving the individual, such as notes on daily performance, descriptions of a particular event, meeting or job performed

When a request to change such records is evaluated, care should be taken to distinguish between the three types of documents. In documents where opinion is mixed with statements of fact or accounts of events, it should be made clearly apparent when the writer is expressing an opinion.

The following checklist is offered as an aid in evaluating contentious documents.

Personal Data or Simple Facts

- ° Did the applicant provide this information to the Department originally? If so, is there any reason to doubt his/her correction? Normally, such requests for correction should be granted.
- ° Is there a financial or other tangible benefit to be gained by the individual if this change is accepted? If so, is documentary proof, such as a birth certificate or a graduation certificate, normally requested for this information at the time it is first collected? Such proof would be required to change the document, except in extraordinary circumstances.

Opinion

- ° Is this an opinion given by someone in the normal course of employment, such as an appraisal given by a supervisor, or an evaluation given by a personnel officer? If not, is there a valid reason for offering the opinion? Serious consideration should be given to removing opinions which are not required on the file, if they are contentious.
- ° Is it clear from the document that this is the opinion of a particular individual or group of individuals, and is it evident who those individuals are? If not, this should be clarified or serious consideration given to removing the comment.
- ° Does the author stand by the opinion? If the opinion has been poorly written or is misleading, would the author agree to rewrite the document?

Account of Events

- ° Is the applicant a major player in the event described? If not, what justification does the applicant have to challenge the account? In cases where the applicant has no authority to challenge the account, and the committee has established that the author wishes the document to stand, the applicant must content him or herself with putting a notation to file.

- Is the applicant the major source of the information? If so, why does the account differ from the account he or she now offers? Is there any reason to doubt his or her version of the story? If so, the committee should offer a notation to file only.
- Has the author taken care to distinguish between statements of fact and statements of opinion? If not, would he or she be willing to rewrite the document more clearly?
- Is there any reason to doubt the writer's version of the story? If the facts cannot be substantiated, the document should be removed or a notation on the committee's findings added with the comments of the requestor.

Because we received so very few requests for access to personal information in the first two years, we had not prepared many information sheets and guidelines on procedures. Now that an appreciable number of requests are being received, we are preparing packages to brief employees on how to present their requests, which files to look for, and how to approach other departments.

The Department continues to give access informally to most personnel files, and to the files in its public personal information banks.

During 1985/86, the Department prepared revised radio licensing application forms, including the statements concerning the protection of the personal information concerned. In 1986/87, a thorough inventory of all other application forms will be done, with a view to including such statements where necessary.

D) INSTITUTIONAL POLICIES

The Department has finalized its policies concerning the protection of radio licensing information as personal information. The issue of the applicability of paragraph 3(1) of the definition of personal information to radio licensing information has not really been satisfactorily resolved, however. The Department has submitted a detailed brief on the subject to the Department of Justice, and to the Standing Committee on Justice and Legal Affairs, who are conducting a review of the Access to Information Act and the Privacy Act. The brief is reprinted here as Appendix B.

Our policy concerning access of employees to their own personal information was described in last year's annual report. During the past year, we have identified a new personal information bank, the Government Telecommunications Agency's Telephone Call Detail Recording databank. We are in the final stages of developing our policies on the protection and access to this information, and during the next year we will be drawing up suggested guidelines for other departments to whom we release the data.

E) DELEGATION INSTRUMENT

The Department put in effect on July 1, 1983 a delegation order which retains authority to release information under the Act at senior levels. The Deputy Minister is responsible for decisions regarding all sections of the Act and the Departmental ATIP Coordinator is also responsible for decisions regarding all sections. The Coordinator of the ATIP Secretariat is responsible for sections 8(5) and 14 only when it is determined that access shall be given, and for section 15.

The Privacy Coordinator in the Department of Communications is the Director of Sector Management for the Corporate Management Sector. He reports to the Assistant Deputy Minister, Corporate Management, who has responsibility, among other areas, for Records Management and Personnel, two key areas in the implementation of the Privacy Legislation. Assisted by the staff of the ATIP Secretariat who implement policy and coordinate access and personal information requests, the Coordinator is responsible for advising the Assistant Deputy Minister on privacy matters. In situations where the Deputy Minister or Minister must become involved, the Assistant Deputy Minister raises the matter at senior management meetings.

The Coordinator chairs the Corporate Review Panel, responds to requests for access, reports to Treasury Board on privacy activities, and formulates policy concerning privacy matters.

F) INVESTIGATIONS

We received our first complaint under the Privacy Act this year, concerning the use of section 25 to exempt from disclosure certain documents and portions of documents on a staff relations file.

The investigator from the Privacy Commissioner's Office upheld our use of the exemption, and the complaint was dismissed.

G) DISCLOSURES UNDER 8(2)(E) OF THE PRIVACY ACT

We also experienced this year an audit of our compliance with section 8(2)(e) of the Privacy Act. At the time of the audit we had experienced very little activity in this area, but our records system and methods of handling requests for this type of information met with the approval of the investigator. We had completed two requests at the end of the reporting period.

The Privacy Coordinator is the only responsible official with delegated authority for this section of the Act.

H) EXEMPT BANKS

The Department has no exempt banks.

I) USE AND DISCLOSURE

Efforts have been made to ensure that all personal information is being used only for purposes consistent with those for which it was gathered. We hope to complete this process before the end of 1986-1987, so that the lists of consistent uses and agencies with whom the information is shared may be published in our Access to Information Manual to be published this year. Our practices in this area are also being reviewed as a result of the new Treasury Board Circular number 1986-19, concerning the collection of information.

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REPORT ON THE PRIVACY ACT

Institution Department of Communications	Reporting period April 1, '84 - March 31, '85
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I Requests under the Privacy Act

Received during reporting period	3
Outstanding from previous period	0
TOTAL	3
Completed during reporting period	3
Carried forward	0

II Disposition of requests completed

1. All disclosed	1	6. Insufficient information	0
2. Disclosed in part	1	7. Abandoned	0
3. Excluded	0	8. Does not exist	1
4. Exempt	0	TOTAL	3
5. Unable to process	0		

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	
(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)	1
(b)	
(c)	
(d)	
(e)	
(f)	

V Completion time

Under 30 days	2
31 to 60 days	1
60 to 120 days	
Over 120 days	

VI Extensions

	Under 30 days	Over 30 days
Interference with operations		
Consultation	1	
Translations		
TOTAL	1	0

VII Translations

Translation requested	0
Translation provided	0
English to French	
French to English	
Average time to prepare translations	

VIII Method of access

Copies given	2
Examination	
Copies and examination	

IX Correction and notation

Corrections requested ▶	0	Corrections made ▶	0	Notation attached ▶	0
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X Costs

Personnel	\$	PY
Officer	\$ 14,558	0.376
Support staff	\$ 15,389	0.596
Other	\$ 14,025	--
TOTAL	\$43,972	0.972

XI Appeals to privacy commissioner

Reasons	
Use and disclosure	
Non disclosure	
Extension	
Publications	
Denial of translation	
Time to prepare a translation	
Other	
No. initiated during reporting period	0
No. completed during reporting period	
No. carried forward	0
Average time of resolution (for those completed) (days)	
Commissioner's recommendation accepted	
Commissioner's recommendation rejected	

XII Appeals to Federal Court

Appeal by	
Applicant	
Privacy commissioner	
Average time of resolution (for those completed) (days)	
No. initiated during reporting period	0
No. completed during reporting period	
No. carried forward	0
Disclosure ordered	
Non-disclosure ordered	
Other	

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Government of Canada / Gouvernement du Canada

REPORT ON THE PRIVACY ACT

Institution DEPARTMENT OF COMMUNICATIONS	Reporting period JULY 1, 1983 - MARCH 31, 1984
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I Requests under the Privacy Act

Received during reporting period	3
Outstanding from previous period	0
TOTAL	3
Completed during reporting period	3
Carried forward	0

II Disposition of requests completed

1. All disclosed	2	6. Insufficient information	
2. Disclosed in part		7. Abandoned	
3. Excluded		8. Does not exist	1
4. Exempt		TOTAL	3
5. Unable to process			

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	
(d)		S. 22(2)		S. 27	
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

Under 30 days	3
31 to 60 days	
60 to 120 days	
Over 120 days	

VI Extensions

	Under 30 days	Over 30 days
Interference with operations		
Consultation		
Translations		
TOTAL	0	0

VII Translations

Translation requested	0
Translation provided	0
English to French	
French to English	
Average time to prepare translations	

VIII Method of access

Copies given	1
Examination	1
Copies and examination	

IX Correction and notation

Corrections requested ▶	0	Corrections made ▶	0	Notation attached ▶	0
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X Costs

Personnel	\$	PY
Officer	\$ 6,250	0.140
Support staff	\$ 4,800	0.175
Other	\$ 650	--
TOTAL	\$ 11,700	0.315

XI Appeals to privacy commissioner

Reasons	
Use and disclosure	
Non disclosure	
Extension	
Publications	
Denial of translation	
Time to prepare a translation	
Other	
No. initiated during reporting period	0
No. completed during reporting period	
No. carried forward	0
Average time of resolution (for those completed) (days)	
Commissioner's recommendation accepted	
Commissioner's recommendation rejected	

XII Appeals to Federal Court

Appeal by	
Applicant	
Privacy commissioner	
Average time of resolution (for those completed) (days)	
No. initiated during reporting period	0
No. completed during reporting period	
No. carried forward	0
Disclosure ordered	
Non-disclosure ordered	
Other	

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REPORT ON THE IMPACT OF THE ACCESS TO INFORMATION ACT AND THE
PRIVACY ACT ON THE DEPARTMENT OF COMMUNICATIONS RADIO LICENSING
PROGRAM

In Canada, in order to operate almost any kind of radio transmitter equipment which utilizes the radio spectrum, it is necessary to obtain a radio licence from the Department of Communications. Radio frequencies are regulated at the international level by the International Telecommunication Union, an agency of the United Nations. Domestically, this is the responsibility of the Department of Communications, and all licensing is a federal responsibility.

Radio licensing and spectrum management information is maintained on a large database at headquarters, whereas many of the licensing responsibilities are delegated to the regional and district offices. While paper records and subsets of the database on microfiches are distributed at each office level, the majority of requests which we receive are for aggregate information which is pulled from the central database.

This central database is a large and complex system which handles a variety of functions including spectrum allocation, frequency coordination, billing and licensing. There are 410 fields in the database, and each class of license or type of service utilizes a different subset of these fields. The data may be arranged in almost any format, or sorted by a variety of fields. For example, a typical request could be for the name, address, frequency, call sign, equipment type approval number, and other technical information for all radio licences in a certain province, within a stated frequency range or class of service. This might be requested in frequency order, sorted by district, or sorted by postal code. We have received requests for output on magnetic tape, floppy disc, microfiche, computer paper, and even a printout with the name and address repeated separately on gummed labels, sorted in postal code order.

Prior to the coming into force of the Access legislation, the Department responded to a great many requests for radio licensing information. The information is of interest to radio enthusiasts, to companies who are seeking the most economical ways to develop their radio systems, to companies and government departments such as National Defence and Transport Canada who are responsible for the development of new technologies and systems to meet their particular requirements, and to companies in the communications business who wish to sell their services or products to radio licensees. In order to meet this demand for information

with a minimum of disruption to operations, the Department has produced a series of reports on microfiche which gives the information most often sought. The name and address of the licensee was restricted on a need to know basis, so it was not provided on the microfiche.

There are, however, many instances when it is in the Department's or the licensee's own interest to release the name and address. For example, the Department will arrange to assign a certain frequency to a licensee providing that licensee goes to all other licensees who might be affected and clears it with them. This practice, called frequency coordination, is a routine function of spectrum management, and the Department of Communications would require a significant increase in person year resources if we were to stop allowing licensees to do their own frequency coordination.

When the Access to Information and Privacy legislation came into force, there was concern within the Department that information of licensees who are individuals, and not companies, would be considered personal information and would therefore not be releasable to requestors. The issue of release of marine radio license information to the Coast Guard and to Transport Canada arose very early, since we were in the practice of giving these agencies microfiches with names and addresses of licensees on a regular basis, for the purposes of public safety and to facilitate billing for on-board long distance telephone traffic.

The ATIP Coordinator wrote to the Privacy Commissioner to obtain his views on the subject, with no response. The legal advice obtained from both DOC's Legal Services and from the Information Law and Privacy Section (Justice) was that in the case of individuals, the name and address of licensees, and even the fact that they had a radio licence was personal information. Call signs and company codes were considered to be personal information, because they functioned as unique identifiers. Details of the licensing arrangements or the technical configuration of the equipment which could be construed as financial information pertaining to the applicant were also considered to be personal information. This promised to cause very real problems in the day to day operations of the Spectrum Management Sector.

To further complicate matters, the departmental database, already a massive and complicated system, does not accurately distinguish between licensees who are personal individuals and those who are companies. In small to medium sized operations, the chief technical officer or the radio specialist may take the radio licences required by the company in his own name. Since it makes

no difference to DOC operations, this data is not accurately collected or inputted to the computer, and it would be prohibitively expensive to consult every licensee to determine his status as an individual or a representative of a company.

Because of these factors, the initial reaction to access requests for information other than that which was publicly available was to deny the name and address on the basis of section 19 (ATI). The first complaint to the Access Commissioner arose in August of 1983, when an individual requested " All authorized radio frequencies and authorized users of such frequencies in the Metropolitan Toronto area, including: amateurs, broadcasting, experimental, private and public commercial, radio, telephone, ships, television and government agencies." The public microfiches were provided to the individual at no charge, and departmental staff explained the significance of all the fields present, and the reasons why the other information was not present. The individual was not satisfied, because he wanted to obtain not only names and addresses, but certain classified frequencies which do not appear on the microfiche and are allocated to DND and various security and investigative bodies. The Department responded formally citing exemptions 15(1), 16(1), 16(2), and 19 (ATI). The applicant made a formal complaint to the Information Commissioner in January of 1984.

The ensuing investigation lasted over a year and a half, and in many ways was useful in stimulating a thorough assessment of information practices in this area. It forced us to come to grips with the new legislation, and to face the task of developing policies which will cut through the ambiguity of the legislation, are fair to the licensees and to the requestors of information, and which will not be so cumbersome as to bring Spectrum Management Operations in this department to a grinding halt. Success so far has been limited, but encouraging.

One of the first things the Information Commissioner requested was that we consult the security agencies to justify the use of sections 15 and 16 (ATI) to exempt their classified frequencies from disclosure. Response was quite swift, and included lengthy descriptions of the type of harm that might ensue if the information were to be released. This was accepted by the Commissioner, who concurred with the exemption of the classified frequencies, and accepted the addition of a further exemption, section 17 (ATI) which one of the agencies cited to protect their information.

The use of section 19 (ATI) to exempt all names and

addresses was not accepted, however. In the first place it would not apply to the companies which were also exempted, and the Commissioner felt that the Department should be making some efforts to amend its records-keeping to reflect these distinctions. Further to this, she did not accept that the name of a licensee was personal information, since she felt that information related to the granting of a radio licence is excluded from the definition of personal information by paragraph (1) of the definition given in section (3) of the Privacy Act. She concluded therefore that the Department should release the names of all licensees, except those protected by sections 15, 16, and 17 (ATI).

The Department was unable to accept this interpretation of section 3(1), which states that personal information: "...but, for the purposes of sections 7, 8, and 26 and section 19 of the Access to Information Act, does not include...

(1) information relating to any discretionary benefit of a financial nature, including the granting of a licence or permit, conferred on an individual, including the name of the individual and the exact nature of the benefit, ..."

Department of Justice counsel both within the department and at the Information Law and Privacy Section (Justice) are of the opinion that the "granting of a licence or permit" must confer a financial benefit in order to fall within this paragraph. Very few radio licences granted to individuals do convey a direct financial benefit, and the definition is not at all clear as to how all-encompassing this clause was intended to be. The granting of a radio licence to a taxi driver, for instance, allows that individual to receive his calls in an easy, cost effective manner (one can hardly imagine taxi drivers dropping their fares, then running to a phone booth to call the dispatcher for another fare) but it conveys no direct financial benefit. The granting of a licence to run a radio paging service, however, clearly does. There is absolutely no financial benefit received with the granting of an amateur radio licence, but this may not be true of all citizens' band (GRS) licences. While the Department has made some efforts to decide which licences do not confer a financial benefit, it is difficult to make such distinctions in the absence of clear definitions.

Despite the fact that we did not agree with the Commissioner on this rather fundamental point, the Department did agree that it was in the public interest to disclose the names of those who had radio licences. The radio spectrum is a finite resource, and it is not always possible for licensees to get the frequency they desire. They are sharing the air waves with every

other licensee, and it is felt that there is a right to know who those licensees are. Accordingly, the Department agreed to release the names of licensees, and their frequencies and call signs under the public interest provision of paragraph 8(2)(m) of the Privacy Act.

Since this information does not already exist in print form, it would be necessary to extract the information from the database. The applicant who had complained to the Information Commissioner did not wish to pay the fees assessed for a variety of printouts which were offered to him, so since he failed to complain about the fees charged, the matter of this complaint ended there. However, the decision to provide the name of the licensee opens up a Pandora's box of problems for the Department.

As explained earlier, technical reports on microfiche have been in circulation for a number of years, giving a range of data including the geographical coordinates of the station. Provision now of a name linked to a frequency would result, through a mosaic effect, in a great deal of information being available about a licensee. Preliminary investigations have indicated that this information may well qualify for exemption under sections 13, 15, 16, 17, 19, and 20 (ATI). In order to ascertain exactly which information is sensitive and which is not, we would have to consult the holders of the roughly 1,158,000 radio licences in Canada. This would be extremely expensive, and would result almost certainly in nightmarish problems when it came time to reprogram the computer to protect certain data in a public print report.

Viewed from the perspective of the Spectrum Management Sector, the responsibilities of information protection and distribution are insignificant when compared to the responsibility to provide regulation and management of the radio spectrum, in an age of burgeoning technology and saturation of the air waves in major centres. There is also a responsibility to provide cost effective radio licencing in a cost recovery environment. There was a vigorous public outcry in response to rather meager licence fee increases in 1984/85, so the sector is extremely reluctant to spend money on utopian schemes to develop "fair information practices".

It would be very convenient to simply publish a directory of radio licence holders, including the most commonly requested information, and this is the preferred option from the operational standpoint. In the United States, the Federal Communications

Commission has adopted this approach, and has a public office where the latest update of their database is available for viewing. Even applications pending approval are accessible. An important difference between the DOC and the FCC, however, is that in the U.S. all government, state, and foreign radio licences are handled not by the FCC but by a division of the Commerce Department. This information is all protected from disclosure when required; the only information which is really public is that which is held by the FCC, information pertaining to the licences of the general public and business. Another important difference to note is that the Freedom of Information Act in the United States does not provide for the same degree of protection for third party information as our own Act does.

Whether the proposed directory of licences is produced annually and distributed, or the identical data is released on a case by case basis in response to ATIP requests, a number of issues arise. Briefly, they are:

1) ADDRESS

Neither the Information Commissioner nor the Privacy Commissioner has advocated the release of the addresses or phone numbers of licensees, but the address is one of the items most frequently requested. If we don't provide the address, requestors will search out the information with the aid of phone books and city directories. Release of only the names gives protection to the J. Smith's of Toronto and the R. Coté's of Montreal, but does little to protect the privacy of the X. Athanassius's of Whistler Creek, Saskatchewan. We find this discriminatory.

As mentioned earlier, we have provided the coordinates of the station on technical reports, and this information is of great interest for technical planning, whereas the names of the licensees are not. Is it necessary now to suppress this information because it is linked to a name and provides the address rather readily, when linked to a detailed map?

2) ELECTRONIC EAVESDROPPING

It is possible now to obtain cheaply from consumer radio outlets a frequency scanner which will scan the radio traffic in the immediate area and provide a digital readout of the frequency in use. The user then listens to the call. If DOC were to provide a frequency list with the names of all licensees, the frequencies, the addresses of companies, and the coordinates of the radio stations of individuals, the listener would be able to fill in

quite a few details about the person he is listening to. There is some evidence that pirate lists of radio users already exist, and that radio eavesdroppers have formed clubs to trade, in paper format or via communicating microcomputers, the lists of licensees who they have heard and identified. This phenomenon has been cited as both an example of how futile it is to try to protect the privacy of users, and an example of how important it is to try to restrict the flow of information in order to make this kind of invasion of privacy as difficult as possible.

This information can be dangerous when it falls into criminal hands, and police agencies are having a difficult time staying one jump ahead of the criminals, who often have more time and money than the police do to invest in sophisticated communications systems. It is a recognized fact that radio transmissions should be scrambled to ensure privacy, but there are many factors which tend to deter the widespread use of scrambling devices. The most important of these is the cost; police forces certainly do not have the resources to equip all their personnel with scrambling devices, and will not be able to afford such systems in the immediate future either.

Even with the best systems money can buy, there are problems in utilising scrambling equipment, because it is not as convenient as ordinary radio. People still tend to forget that their communications may be intercepted, or they may just take a chance on a quick call. A good example of this problem is the recent interception of a very sensitive mobile telephone conversation between Casper Weinberger and Ronald Reagan during the Achille Lauro hijacking. The President apparently didn't like using the secure phone, and took a chance with the regular equipment. The call was intercepted by an amateur radio operator, who called the press with the story.

Even if encrypted signals are being judiciously used, provision of frequency lists with names of licensees will still be undesirable since it allows would-be listeners to locate the frequency of the party they wish to hear, and then they can concentrate on tracking the location of that signal. For this reason, and because they are simply unable to afford the scrambling equipment which they know they need, there has been concern expressed by members of the police that provision of radio licence lists hampers their operations and may endanger the safety of their officers.

3) SECTION 20: THIRD PARTY INFORMATION

As mentioned earlier, we have not formally consulted companies concerning whether they wish to have the information associated with their radio licences released to ATI applicants. We have, however, engaged in preliminary discussions with Statistics Canada concerning how to conduct a survey of licensees, and get some feedback about the possible injury to their operations which might be occasioned by the release of information. Since there are many different types of radio licence, and the use of the radio equipment often differs with each type of business, it is a much more complicated task than most other third party consultations.

If, for example, a company has a mobile radio system for security purposes, they would be likely to restrict on a need to know basis all information about the frequencies, equipment power and capability, and transmitter locations. Advocates of total disclosure would argue that a technically knowledgeable person could deduce much of this information, particularly if he is monitoring their transmissions on a scanner, but would this disqualify the information for protection under section 20(1)(b)?

A company (A), who is licensed to operate a radio telephone service, obtains a licence to set up a repeater system on a given frequency. Their customers must all be licensed to transmit and receive on that particular frequency, using the telephones in their cars, for example. Company customer lists are a closely guarded secret in this business, particularly when new technologies are being licensed every day to compete with older systems. Yet release of a simple frequency list with names and addresses will provide company A's full customer list to their rivals. Similarly, lists which show the equipment type approval number for each piece of radio equipment licensed will show the market penetration of each company's equipment. Since the computer can sort by approval number, a distributor could ask for a printout of all licensees who had his competitors' products. He could then ask for a sort by postal code of all these licensees, and distribute them, sorted by area, to his sales team.

Since the information in this case was supplied by the customers, not the company who would experience the injury upon release, it could not be protected by section 20(1)(b). We have used section 20(1)(c) to protect the information, without consulting the company involved.

In some cases, a business which has a substantial investment in its communications equipment may be negotiating to sell. Provision of radio licensing data, including perhaps the

dates of all changes to equipment, the type approval numbers, and other technical data could furnish much information about the condition and worth of this communications system. Such information might only be considered highly sensitive during this period when transactions are being negotiated. Would it qualify for protection under section 20(1)(d) even though it might not qualify for protection under section 20(1)(b)?

These questions are but a tiny sample of the kinds of issues that arise in the context of section 20. The complexity of the issues, and the fact that each month brings a request with a new type of problem and injury has deterred us from publishing a directory of radio licences. We have not invoked the public interest override in 20(6), but it may be that it would be useful to apply it in certain specific instances. We could never use it to justify the release of an extensive list of licensees, since for most categories of service we would have to consult each licensee to assure ourselves that the public interest in disclosure outweighs the injury to the third party.

4) RELEASE OF INFORMATION TO INVESTIGATIVE BODIES

In enforcing the Radio Act, the Department has a cooperative arrangement with the RCMP. While radio inspectors have the right to inspect equipment and demand the presentation of a radio licence from anyone found operating radio equipment, they usually ask the RCMP for assistance when the need arises to obtain search warrants, seize equipment, and lay charges. Since the number of radio inspectors in the Department has not kept up to the demands of enforcement, the Department greatly appreciates the assistance of police agencies in checking for radio licences when they are doing routine checks of motorists. A great number of unlicensed stations would go undetected were it not for this help from the police.

In order to verify whether a radio user has a valid licence, the police officer must call our office to check our licensing records. It would be a great deal more convenient for all involved if we could simply give the RCMP a tape of the data every few months, and let them check on their own system. Police forces are also heavy users of the radio spectrum, and have a significant need to have technical data at hand for the purposes of frequency coordination, ensuring the security of certain operations, and assisting other agencies in their operations (eg. embassies, transporters of dangerous goods, fire, ambulance, and emergency organizations).

Since the coming into force of the ATIP legislation, we have taken steps to restrict the sharing of radio licensing data with the police, and guidelines have been prepared to inform employees involved as to which disclosures are permissible as a consistent use of the information. Disclosures of personal information must be done according to the requirements of section 8(2)(e) unless authorized by some other clause of section 8. A very convincing case can be made, however, to simply share the entire database with a central agency such as the RCMP.

5) INFORMATION PROVIDED BY PROVINCIAL AND MUNICIPAL AGENCIES

There are thousands of municipal and provincial agencies who have radio licences, and who are entitled by virtue of section 13 to mandatory protection of any information which they feel is provided in confidence to DOC. The list of these agencies would include snow removal crews, ambulance services, forest fire and other natural resources teams, police agencies, emergency measures organizations, and fish and game inspectors. We even licence radio transmitters for moose and other wildlife who are being tracked or protected. It is quite likely that most of these organizations would prefer to avail themselves of the automatic protection provided by section 13, rather than try to justify withholding the information under some under section.

6) RELEASES CONSISTENT WITH THE PURPOSE FOR WHICH A LICENCE WAS OBTAINED

In order to comply with the provisions of the Privacy Act concerning the collection, retention and use of personal information, we have published in the Personal Information Index the following list of the organizations with which information may be shared. This list is also the core of a technical and regulatory note which the Department will publish and gazette, so that all licence applicants may be aware of our information practices.

Organizations with Which Information May Be Shared

- 1) Department of Transport
- for the invoicing of ship board traffic.
- 2) Canadian Coast Guard
- to ascertain whether a vessel has a valid licence for the radio equipment on board prior to placing telephone calls or passing traffic.

- 3) Search and Rescue Coordination Centre
 - call sign and or name, in order that vessel/aircraft routes may be established to facilitate the location of lost vessels or aircraft.
- 4) Various agencies and organizations in Canada and the U.S.
 - for coordination of frequencies and system parameters.
- 5) Amateur and General Radio Service (GRS) organizations
 - for membership surveys and drives
- 6) Radio Amateur Call Book (Canada and the U.S.)
 - the name, address, level of certificate and call sign for the purpose of pursuing activities related to amateur radio.
- 7) Law enforcement agencies
 - for investigations relating to offences under the Radio Act.
- 8) Organizations providing radio services to the public
 - to establish that their clientele is licensed.
- 9) Equipment suppliers
 - to facilitate the commissioning of their clients' communications systems.
- 10) Department of Transport, DND and other organizations
 - information about privately operated non-directional navigation beacons, in the interest of safety.
- 11) Department of Regional Industrial Expansion
 - licensing information of trappers, in order to determine eligibility for grants available from this department.

RECOMMENDATIONS

The exception to the definition of personal information described in paragraph 3(1) of the Privacy Act is not clearly drafted. In particular, "including the granting of a licence or a permit" should be clarified, since it has been interpreted both as referring back to the discretionary benefit of a financial nature, and as standing on its own. If the intent of this paragraph was to ensure that all those who obtain a benefit or privilege from the government should "stand up and be counted", then clarification of what constitutes a benefit or privilege is required. Many licences

or permits do not really bestow a privilege on the holder, but are required by the government to regulate or monitor an activity.

"The exact nature of the benefit" should also be clarified, since if licences were to be included, it could be interpreted to include a great deal of personal information. In the case of radio licences, it could include the coordinates of the radio station or address, the type of equipment, the level of operator's certificate that an individual holds, and so on.

If it was the intention of Parliament that the name of any individual in Canada who applies for a licence or permit in Canada should be published, a paragraph could be drafted which would oblige institutions to release such information, leaving discretionary benefits to be described in a separate paragraph. These paragraphs could be patterned on 3(j), giving much fuller detail of what is included in the exclusion to the definition of personal information. Licence or permit information varies greatly in its implications for the public interest, health, or safety, so some allowance for the use of discretion by institutions in deciding which detail should be released in the public interest would have to be provided.

It is likely that as we become more familiar with the ATIP legislation, and as more cases come to Federal Court, we will develop a much better appreciation of the kinds of information that a company or other third party has a right to expect the Department to protect. At the moment, however, few companies have bothered to enquire about our information protection policies, and it seems likely that very few are aware of what could be happening to their information. There is a need for more publicity about the Acts and their implication, and it would seem both logical and cost effective if this were to be organized by either Treasury Board or the Department of Justice.

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