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Statistics Canada Annual Report on the Access to Information Act, 2022-2023

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Introduction

The *Access to Information Act* establishes the principle that the general public has the right to access information controlled by federal government institutions, and that exceptions should be limited and specific.

The Annual Report on the Administration of the *Access to Information Act* is prepared and submitted, in accordance with section 94(1) of this Act and covers the period from April 1, 2022, to March 31, 2023. The report is tabled in Parliament.

Administration of the *Access to Information Act*

By virtue of section 24 of the *Access to Information Act*, which is a mandatory provision, information collected under the *Statistics Act*, and protected by section 17 of that Act, cannot be made available to anyone attempting to obtain it using the *Access to Information Act*. This exception enables the Agency to continue giving a clear and unqualified assurance to its respondents that the confidentiality provisions of the *Statistics Act* are preserved by the *Access to Information Act*.

The administration of the access to information legislation within Statistics Canada is the responsibility of the Director of the Office of Privacy Management and Information Coordination, who is also the ATIP Coordinator and the Chief Privacy Officer for the Agency.

Administration of the *Service Fees Act*

The Statistics Canada Annual Report is prepared and tabled in Parliament in accordance with section 20 of the *Service Fees Act*, as listed in Schedules I, I.1 and II of the Financial Administration Act (FAA).

Organizational Structure and Mandate

Statistics Canada's mandate derives primarily from the *Statistics Act*. The Act requires that the Agency collect, compile, analyze and publish statistical information on the economic, social, and general conditions of the country and its citizens. The Act also requires that Statistics Canada co-ordinate the national statistical system, specifically to avoid duplication in the information collected by government. To this end, the Chief Statistician may enter into joint data-collection or data-sharing agreements with provincial and territorial statistical agencies, as well as with federal, provincial, and territorial government departments pursuant to provisions of the Act.

Statistics Canada is also working with Canadians to help educate the population on existing procedures for access to government information such as the differences between requests for datasets, data tables and custom data tabulations and requests for Access to Information for existing records under the control of the institution. An existing procedure through a cost recovery process exists and is available to the general public. These data requests are handled by the Statistics Canada InfoStats program specifically.



The *Statistics Act* specifically requires Statistics Canada to conduct a Census of Population and a Census of Agriculture every five years as it did in 2021. The Act also gives the Agency substantial powers to request information for statistical purposes through surveys of Canadian businesses and households. Under the Act, the Chief Statistician determines whether a survey will be mandatory or voluntary. Statistics Canada has generally made voluntary household data collection other than the Census of Population and the Labour Force Survey, as the latter produces key economic data. The Census of Agriculture and most other business surveys are mandatory. Refusal to participate in a mandatory survey is subject to legal penalties.

By law, Statistics Canada can also access administrative records, including personal and business tax data, credit information, customs declarations, and birth and death records. Such records are critical sources of statistical information that enable the Agency to reduce reporting burden on businesses and individual respondents. Statistics Canada is considered a leader among the world's statistical agencies in reducing reporting burden by using administrative data.

These mechanisms help Statistics Canada fulfill its commitment to ensuring that Canadians have all of the key information on Canada's economy, society, and environment that they require to function effectively as citizens and decision makers in a rapidly evolving world. Information is important to Canadians and the Statistics Canada's Trust Centre is committed to protecting it. For more than 100 years, Statistics Canada has collected, analyzed and reported the data obtained from the public, respecting and protecting the rightful privacy of Canadians.

Delegation Order

The delegation order exercises the powers and functions of the Minister as the head of a government institution, pursuant to section 95(1) of the *Access to Information Act*. The current detailed list of authorities under the *Access to Information Act* was formally delegated by the Minister of Innovation, Science and Economic Development as of May 2021 (Appendix A), provides full delegated authority to the Director and Assistant Director of the Office of Privacy Management and Information Coordination.

Resources

The Access to Information and Privacy (ATIP) Office operates within an allocation of 5.35 persons/year. One ATIP Manager, three Senior ATIP analysts, and two ATIP analysts work full time on the processing of requests. There were no service agreements under section 73.1 of the Privacy Act to which Statistics Canada was party during the reporting period.

Statistical report

The statistical report provides aggregate data on the application of the *Access to Information Act* (Appendix B). This information is made public annually and is included with the annual report.

Implementation: Access to Information

Access to Information requests

During the reporting period, from April 1, 2022, to March 31, 2023, Statistics Canada received 50 new access to information requests. In addition, 38 requests were carried forward from the previous reporting period, for a total of 88 requests. Of the total, 85 requests were completed; leaving 3 to be carried forward to the next reporting period.

The Media and the public were the largest client groups, as they represented 35 of the 50 requests that were received during the reporting period.

Disposition of requests completed during reporting period	
Fully disclosed	9
Partially disclosed	44
Nothing disclosed	3
No records exist	25
Abandoned	4
Transferred	0
Total	85

For the completed requests, all records were either disclosed in full or in part for 53 requests, the information was fully exempted/excluded for 3 requests, no records existed for 25 requests, 4 requests were abandoned by the requestors and 0 requests were transferred to another federal institution.

In responding to the formal access to information requests, 82,894 pages were reviewed, and 37,021 pages were released. Fifty-three (53) requestors received information electronically.

The following table shows the latest five-year trend of the Agency's processing of access to information requests.

Fiscal Year	Requests Received	Requests Completed	Number of Pages Processed	Number of Pages Released
2022/2023	50	85	82,894	37,021
2021/2022	79	97	25,550	4,849
2020/2021	98	84	5,888	4,480
2019/2020	141	134	5,031	3,748
2018/2019	154	128	6,020	5,467



Types of records requested

The substance of the requests covered the entire range of matters pertaining to Statistics Canada's role and included the following types of records relating to:

- Census and various other statistical information;
- data breaches;
- professional service contracts;
- Briefing notes to the Chief Statistician.

Other requests

From April 1, 2022, to March 31, 2023, Statistics Canada also received 89 *Access to Information Act* consultation requests from other departments and organizations. The Agency was asked to review 4,543 pages of information. Forty-nine (49) consultations were completed within 1-15 days, twenty-two (22) consultations were completed within 16-30 days, ten (10) consultations were completed within 31-60 days, two (2) were completed within 61-120 days, and one (1) was completed after more than 365 days.

Summaries of completed *Access to Information Act* requests are available on the "Open Government Portal". Requests for copies of these completed requests, as well as requests not processed under the Act, are classified as informal requests. This fiscal year, two hundred and twelve (212) requests were processed informally. No requests were carried over to the next fiscal year.

The ATIP Office acted as a resource for Statistics Canada officials, offering advice and guidance on the provisions under the legislation. The office was consulted on the disclosure and collection of data on a wide range of matters, including:

- proactive publications to be posted on the open government portal;
- proactive disclosures on travel and hospitality;
- Management Accountability Framework assessments;
- security of information;
- reviews of audits to be posted on the internet;
- reviews of parliamentary questions and responses;
- updates to the ATIP internet and intranet sites;
- reviews of and updates to ATIP business practices and procedures.
- Support to raise awareness on information management.



Trends in the disposition of completed requests

The disposition of the 85 requests completed in 2022-2023 was as follows:

- 9 were fully disclosed (10.6%)
- 44 were partially disclosed (51.8%)
- 3 were exempt/excluded in entirety (3.5%)
- 4 were abandoned by applicants (4.7%)
- 25 information did not exist (29.4%)
- 0 were transferred to another department (0%)

Access to Information Requests (Fiscal Year)	2022-23
Requests Received	50
Requests Completed	85
Requests Completed On-Time	57.6%

Public Interest Disclosure

No disclosures were made under paragraph 8(2)(m) of the *Privacy Act* during the reporting period.

Completion time and extensions

Of the forty-seven (47) requests received and completed in FY 2022-2023, 45 were closed within the prescribed timeframe of the Act, for a compliance rate of 96%. A concerted effort was made to address the backlog of ATI files that dated between 2018 and 2021 (38 files, with 77,906 pages reviewed, and 34,521 pages released). Completing this backlog has resulted in the ATIP Office's ability to review and complete new requests received within the timeline set out in the Act. Factors that contributed to Statistics Canada's timely response rate over the past year are the training and information sessions held with senior leaders.

The compliancy rate for completed requests is as follows:

- 30 within 1 to 15 days (35%)
- 12 within 16 to 30 days (14%)
- 4 within 31 to 60 days (5%)
- 5 within 61 to 120 days (6%)
- 2 within 121 to 180 days (2%)
- 10 within 181 to 365 days (12%)



- 22 more than 365 days (26%)

Out of the 85 requests processed, an extension was taken in 38 cases for interference with operations of the department, and to consult with other federal institutions and third parties.

Exemptions and exclusions invoked

The *Access to Information Act* allows and, in some case, requires that certain data not be released. In 2022-2023 the following sections of the Act were invoked:

Section 13(1) – Information obtained in confidence (3)

Section 14 – Federal-provincial affairs (4)

Section 15 – International affairs and defence (3)

Section 16 – Law enforcement and investigations (58)

Section 18 – Economic interest of Canada (2)

Section 19(1) – Personal information (40)

Section 20(1) – Third party information (39)

Section 21(1) – Operations of government, advice, etc. (24)

Section 22 – Testing procedures, tests and audits (2)

Section 23 – Protected Information (3)

Section 24(1) – Statutory prohibition against disclosure (18)

Fees

The *Service Fees Act* requires a responsible authority to report annually to Parliament on the fees collected by Statistics Canada.

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

In accordance with the Interim Directive on the Administration of the *Access to Information Act*, issued on May 5, 2016, and the changes to the *Access to Information Act* that came into force on June 21, 2019, Statistics Canada waives all fees prescribed by the Act and Regulations, other than the \$5 application fee set out in paragraph 7(1)(a) of the Regulations. During the 2022-2023 reporting period, \$235 was collected in application fees.

Costs



During 2022-2023, the ATIP Office incurred an estimated \$315,608 in salary costs, \$28,140 in non-salary costs, and \$4,412 in administrative costs to administer the *Access to Information Act*.

Training initiatives for Access to Information

In 2021-2022, the ATIP Office began developing a formal training program for all staff across the Agency, which began in April 2020. This included training to senior executives on ATIP processes and procedures in order to streamline records retrieval and approvals. ATIP also provided advice and expertise to the executive cadre on their responsibilities under the Act and the related delegated authorities for proper records management, document retrieval and approval procedures. Key to this year's training was ensuring all Assistant Chief Statistician's offices were reminded of their role as tasking liaison officers in ensuring that requests are appropriately sent to appropriate program areas, including own functional teams.

Information management awareness was also at the forefront of these discussions at the senior management tables, focusing heavily on best practices and the differences between transitory and information of business value. We also had targeted discussions and training towards the proper use of safeguarding of sensitive information in GCDOCS, including limited access rights, types of information and security classifications ensuring clearer record classification guidelines for program managers and ensuring that information is classified at the proper level. Informal one-on-one and formal group training was made available to all staff within the Agency. The informal training assists staff in understanding their obligations under the *Act*, as well as informing them about policies and directives related to information at Statistics Canada.

ATIP training, both formal and informal, was provided to approximately 20 employees, including one-on-one training with the liaison officers. This type of training has proven to be effective in generating better conversations with staff, who in turn have a stronger understanding of the *Acts*, and their roles and responsibilities when responding to requests. Previous large-scale training sessions resulted in reducing the amount of training needed this year (2022-2023). ATIP training through the Canada School of Public Service continues to be recommended to all employees at Statistics Canada.

Policies, guidelines and procedures

The ATIP Office has a variety of tools in place to ensure that ATIP contacts are well informed about their roles and responsibilities for coordinating ATIP requests. These tools include a checklist outlining proper protocol when providing responsive records to the ATIP office for access to information requests, and the appropriate contact from the ATIP team to seek clarification and guidance from throughout the process.

In 2021-2022, more concise and streamlined procedures were implemented in order to improve efficiencies with the retrieval of information and protocol for the overall ATIP process. This included modifying, updating and creating new templates, procedures, weekly workplans and achievable targets with key metrics that increased overall pages reviewed and processed as time went on. A monthly



dashboard for requests to be fulfilled are circulated to Assistant Chief Statisticians and other senior executives to ensure requests are processed in a timely manner and are comprehensive.

Complaints and investigations

There were seven (7) complaints lodged against Statistics Canada with the Office of the Information Commissioner of Canada (OIC) during the reporting period. There were four (4) complaints related to the improper application of exemptions or exclusions, and three (3) complaints alleged a failure to conduct a reasonable search. The OIC deemed two (2) complaints pertaining to a reasonable search as Not Well-Founded, and one (1) complaint alleging improper application of exemptions to be Well-Founded. There are currently four (4) ongoing complaints (one (1) complaint regarding a reasonable search and three (3) complaints regarding exemptions or exclusions invoked). In order to address some of these issues, training and awareness has been offered to both employees and ATIP staff at Statistics Canada.

Monitoring of the requests

At Statistics Canada, the ATIP Office processes and monitors requests by registering them in a comprehensive system known as Privasoft – Access Pro Case Management. An acknowledgment of the request and of the application fee of \$5.00 is sent to the client and a retrieval form is forwarded to the relevant program area (Office of Primary Interest (OPI)). If the OPI and/or the ATIP Office need to clarify the request, only the ATIP Office contacts the client, unless prior approval is provided by the client. Client names are always kept confidential.

The retrieval form provided to the OPI was created by the ATIP Office at Statistics Canada and is based upon the Policy on Access to Information and the Directive on the Administration of Access to Information from the Treasury Board Secretariat of Canada. The form includes the text of the request, the name and phone number of the ATIP Officer, and the date by which records are required (normally 5 to 10 days). It is noted on the form that the ATIP Office is required to report annually on the administrative costs related to requests and thus information is needed on the group(s) and level(s) of those involved in the retrieval, the amount of time spent working on the request (this includes time for search, retrieval, internal review (relevant or not to the request) and photocopying). The individuals providing the records are asked to identify any records which may be sensitive in nature (e.g., legal issues, Cabinet confidences, personal information, company information, advice to the Minister), which may require consultations, and/or which may generate media interest. The Director General, or appropriate delegate, of the program area sign-off the form.

The ATIP Office assists the program areas with the retrieval of records from day one. As 5 to 10 days are allowed for the retrieval, a follow-up is made on the fifth day. If additional time is required for the retrieval, this is when the program area is to notify the ATIP Office. An additional 1 to 5 days may be granted depending on the amount of work remaining. Once the documents are received from the OPI, the ATIP Office ensures the form is duly completed and that it has been signed by the appropriate manager. The ATIP Office then takes 5 to 10 days to review and process the records. If sensitive issues are identified in the submitted materials, 1-3 days prior to the release of the final version to the client, an e-mail is sent to



Strategic Communications and Outreach Branch and to any other relevant programs to inform them of the release. The OPI and management are continually reminded of the importance of responding to ATIP requests in a timely and comprehensive manner.