



Commissariat
aux langues
officielles

Office of the
Commissioner of
Official Languages

**ANNUAL REPORT TO PARLIAMENT
ON THE
*ACCESS TO INFORMATION ACT***

2019–2020

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ANNUAL REPORT TO PARLIAMENT
ON THE *ACCESS TO INFORMATION ACT* 2019–2020

1. Introduction

The Office of the Commissioner of Official Languages (Office of the Commissioner) is pleased to table its annual report to Parliament on the administration of the [Access to Information Act](#) for fiscal year 2019–2020, as required under section 94 of that Act and section 20 of the [Service Fees Act](#).

PURPOSE OF THE *ACCESS TO INFORMATION ACT*

The *Access to Information Act* was proclaimed on July 1, 1983. The Act gives Canadian citizens and permanent residents a broad right of access to information contained in federal government records, subject to certain specific and limited exceptions.

As a result of the [Federal Accountability Act](#), the Office of the Commissioner became subject to the *Access to Information Act* as of April 1, 2007.

The *Access to Information Act* gives Canadian citizens and permanent residents the right to access federal government records that are not of a personal nature. It complements, but does not replace, other procedures for obtaining government information. It is not intended to limit in any way access to government information normally available to the public upon request. Since June 2019, Part 2 of the *Access to Information Act* sets out additional requirements for the proactive publication of information.

MANDATE

The Office of the Commissioner has a mandate to take all measures to ensure that the following three main objectives of the [Official Languages Act](#) are met:

- The equal status of English and French in Parliament, within the Government of Canada, the federal administration and institutions subject to the Act;
- The preservation and development of official language minority communities in Canada; and
- The equal status of English and French in Canadian society.

2. Organizational Structure

STRUCTURE OF THE OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES

The Commissioner of Official Languages is an agent of Parliament appointed by commission under the Great Seal, after approval by resolution of the Senate and House of Commons, for a seven-year term. The Commissioner reports directly to Parliament and is supported by the Office of the Commissioner.

To achieve the three main objectives of the *Official Languages Act*, the Commissioner carries out the following roles.

OMBUDSMAN ROLE

The Commissioner protects the language rights of Canadians and promotes the equality of both official languages in Canadian society. As an ombudsman, the Commissioner receives complaints, reviews them and, where appropriate, investigates either through a facilitated resolution process or through a formal inquiry. The Commissioner also conducts investigations on his own initiative, when appropriate. Areas of investigation include:

- The right of the Canadian population to use English or French to communicate with and receive services from federal institutions, as provided for in the *Official Languages Act*;
- The right of federal public service employees to work in the official language of their choice in designated regions;
- The right of all Canadians, whether English- or French-speaking, to equal opportunities for employment and advancement in federal institutions; and
- The development and vitality of Canada's official language minority communities and the promotion of linguistic duality in Canadian society.

AUDITING ROLE

The Commissioner conducts audits to measure federal institutions' and other organizations' compliance with the *Official Languages Act* and makes recommendations.

LIAISON ROLE

The Commissioner, with support from regional offices and liaison officers, works with federal institutions and other organizations, various levels of government and official language minority communities throughout the country. This collaborative official languages network helps the Commissioner gain a better understanding of the needs and concerns of communities, make relevant recommendations, and intervene judiciously in major official languages issues.

MONITORING ROLE

The Commissioner's monitoring role involves acting pre-emptively by intervening at the stage where laws, regulations and policies are developed, to ensure that language rights remain a primary concern of leaders.

PROMOTION AND EDUCATION ROLE

One of the Commissioner's main responsibilities is to promote linguistic duality in both the federal public service and Canadian society. To meet this responsibility, the Commissioner raises Canadians' awareness of the benefits of linguistic duality, works with community organizations, and educates organizations subject to the *Official Languages Act* about the importance of official languages and minority communities. Regional offices play a key role in promotion and public awareness.

The Commissioner exercises this role by creating educational tools, and carrying out research, studies, and public awareness activities. The Commissioner also delivers speeches and participates in conferences and workshops to inform all Canadians of the status and importance of Canada's official languages.

COURT INTERVENTION ROLE

The Commissioner contributes to the advancement of Canadians' language rights by intervening, when appropriate, before the courts in any legal proceedings related to the status or use of English or French.

REPORTING ROLE

Each year, the Commissioner submits an annual report to Parliament that addresses current issues, findings and recommendations.

STRUCTURE OF THE ACCESS TO INFORMATION AND PRIVACY OFFICE

The Access to Information and Privacy (ATIP) Office is part of the Information Management and Information Technology (IM/IT) Division within the Corporate Management Branch. The Manager of Information Management and Access to Information serves as the ATIP Coordinator. He is assisted by an IM and ATIP analyst.

The ATIP Office is responsible for:

- Processing requests filed under the *Access to Information Act* and the *Privacy Act*;
- Responding to consultation requests from other government institutions;
- Providing advice and guidance to senior management and staff of the Office of the Commissioner on ATIP legislation and related matters;
- Ensuring that the organization complies with the above-mentioned acts and the relevant procedures, policies and regulations;

- Acting on behalf of the Office of the Commissioner in dealings with the Treasury Board Secretariat, the offices of the Information Commissioner and the Privacy Commissioner of Canada and other government institutions regarding the application of the above-mentioned legislation;
- Preparing annual reports for Parliament, in addition to other statutory reports and materials that may be required by central agencies;
- Developing awareness training and delivering it to the Office of the Commissioner's managers and employees, to ensure departmental responsiveness to the legal obligations imposed on them by the acts and regulations;
- Coordinating the annual update of the descriptions of the organization and its record holdings for inclusion in *Infosource*;
- Representing the Office of the Commissioner by participating in ATIP community forums, such as the Treasury Board Secretariat's ATIP community meetings;
- Providing advice regarding privacy issues and privacy impact assessments;
- Developing and implementing internal policies, procedures, guidelines and tools;
- Conducting investigations into privacy-related issues; and
- Disclosing information related to ATIP requests and briefing notes submitted to the Commissioner of Official Languages.

The Office of the Commissioner was not party to any service contracts pursuant to section 96 of the *Access to Information Act* during the reporting period.

3. Delegation of Authority

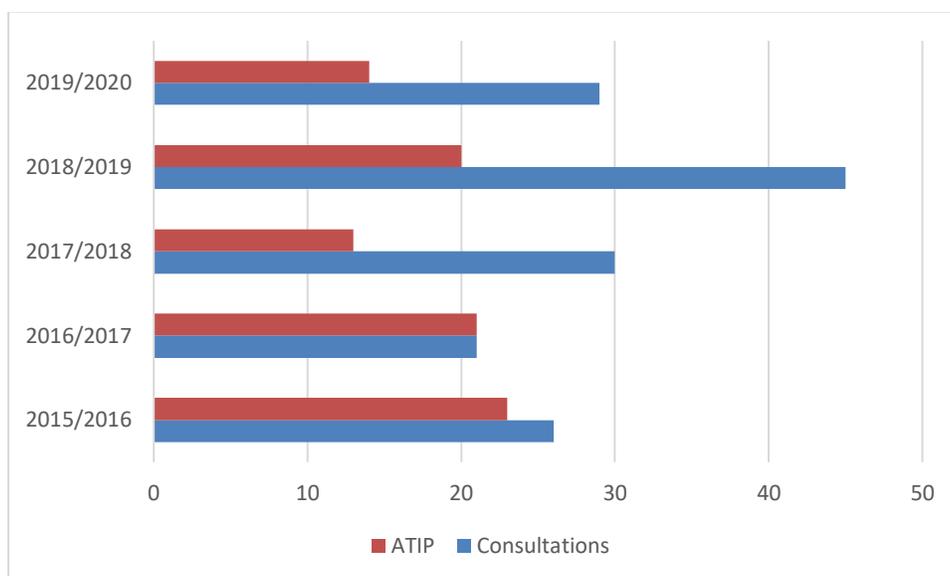
An *Access to Information Act* Delegation Order was established in March 2018 (see Appendix A). Pursuant to section 95 of the Act, the Commissioner designated the persons holding the positions of ATIP Analyst, IM and ATIP Manager, and IM/IT Director to exercise the powers that have been vested in the Commissioner as the head of a federal institution under the Act.

4. Performance in 2019–2020

The Office of the Commissioner received 13 requests during the reporting period and closed the request received during the previous period. For a total of 14 applications processed. The ATIP Office processed just over 8,100 pages and disclosed 2,845 pages. For all applications processed, 12 were completed within the 30-day statutory period and two were subject to requests for extensions. Please note that both applications were closed before the extension deadlines were completed.

The increase in the number of requests, a trend observed for all Government of Canada institutions, apparently did not occur for the Office of the Commissioner. For the first time in three years, the number of all requests combined (requests

for consultation and access) decreased. We believe that two factors may have contributed to this decline: the fall 2019 electoral period and the implementation of a new governmental electronic system for submitting access to information requests by the Office of the Commissioner.



Two requests were subject to an extension. For these two requests, the quantity of information to be reviewed required a longer processing time. The Office of the Commissioner received 29 consultation requests. Of those requests, half were related to past or still ongoing investigations.

No special measures were implemented as a result of the global COVID-19 pandemic. The ATIP Office continues to operate without any impact on expected service levels. The Office of the Commissioner did not use any of the new exemptions set out in the Act since the amendments in June 2019. For more information on the figures for the Office of the Commissioner, see Appendix B.

5. Access to Information Fees Report

The [Service Fees Act](#) requires a responsible authority to report to Parliament annually on the fees collected by the institution. With respect to fees collected under the *Access to Information Act*, the information below is reported in accordance with section 20 of the *Service Fees Act*.

Under the *Access to Information Act*, the Office of the Commissioner collected a total of \$60 for processing 13 access to information requests. That is, 12 formal requests and a request for which no fees were charged. In accordance with the *Interim Directive on the Administration of the Access to Information Act*, issued on May 5, 2016, the Office of the Commissioner waives all fees prescribed by the Act and the *Access to Information Regulations*, other than the \$5 application fee set out in paragraph 7(1)(a) of the Regulations. The Office of the Commissioner did not refund any fees in 2019–2020 for abandoned applications or for any other

reason. Its operating costs for enforcing the *Access to Information Act* and the *Privacy Act* amounted to \$34,600.

6. Training

During the reporting period, the Office of the Commissioner did not offer any formal training sessions. However, all new employees are informed of their obligations under the *Access to Information Act* and the *Privacy Act* as part of their mandatory information management training.

7. Institution-Specific Policies, Guidelines and Procedures

The Office of the Commissioner has begun the preparatory work needed for implementing the new requirements of Part 2 of the *Access to Information Act*. New procedures are in place to meet the new requirements such as proactive disclosure of information notes.

8. Complaints and Investigations

There were no complaints against the Office of the Commissioner, and no service audits were performed.

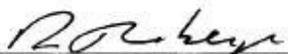
9. Institution Monitoring

In order to monitor the time required to process requests filed under the *Access to Information Act* and the *Privacy Act*, the ATIP Office provides a detailed weekly report on its activities to the lead of the information management and access to information unit. The latter may inform the Commissioner of Official Languages where necessary.

Appendix A : Delegation order

Annexe A / Appendix A
Access to Information Act Delegation Order
Arrêté sur la délégation en vertu de la Loi sur l'accès à l'information

<p>The Commissioner of Official Languages, pursuant to section 73 of the <i>Access to Information Act</i>,* hereby designates the persons holding the positions set out in the schedule hereto to exercise the powers and perform the duties and functions of the Minister as the head of a government institution, that is the Office of the Commissioner of Official Languages, under the section of the Act set out in the schedule opposite each position.</p>	<p>En vertu de l'article 73 de la <i>Loi sur l'accès à l'information</i>,* le commissaire aux langues officielles délègue aux titulaires des postes mentionnés à l'annexe ci-après, les attributions dont il est, en qualité de responsable d'une institution fédérale, c'est-à-dire, le Commissariat aux langues officielles, investi par les articles de la Loi mentionnés en regard de chaque poste.</p>
<p>SCHEDULE ANNEXE</p>	
<p>POSITION/POSTE</p>	<p>SECTIONS OF THE ACCESS TO INFORMATION ACT/ ARTICLES DE LA LOI SUR L'ACCÈS À L'INFORMATION</p>
<p>Commissaire Commissioner</p>	<p>Pleine délégation Full delegation</p>
<p>Directeur, Gestion de l'information et de la technologie Director, Information Management and Technology</p>	<p>Pleine délégation Full delegation</p>
<p>Gestionnaire, Gestion de l'information Manager, Information Management</p>	<p>Pleine délégation Full delegation</p>
<p>Coordonnateur, Accès à l'information et protection des renseignements personnels. Coordinator, Access to Information and Privacy</p>	<p>Pleine délégation Full delegation</p>
<p>Dated, at the City of Gatineau this __ day of March, 2018.</p>	<p>Daté, en la ville de Gatineau, ce __ jour de mars, 2018.</p>


 Raymond Thériault Commissioner of Official Languages/
 Commissaire aux langues officielles

*S.C.1980-81-82-83,C.III

Appendix B : Statistical Report on the Access to Information Act

Name of institution: Mackenzie Valley Environmental Impact Review Board

Reporting period: 2019-04-01 to 2020-03-31

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

1.1 Number of requests

	Number of Requests
Received during reporting period	13
Outstanding from previous reporting period	1
Total	14
Closed during reporting period	14
Carried over to next reporting period	0

1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	0
Business (private sector)	10
Organization	0
Public	2
Decline to Identify	1
Total	13

1.3 Informal requests

Completion Time							Total
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
1	0	0	0	0	0	0	1

Section 2: Decline to act vexatious, made in bad faith or abuse of right requests

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

Section 3: Requests Closed During the Reporting Period

3.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	0	1	0	0	0	0	0	1
Disclosed in part	2	3	0	2	0	0	0	7
All exempted	0	2	0	0	0	0	0	2
All excluded	0	0	0	0	0	0	0	0
No records exist	2	2	0	0	0	0	0	4
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Decline to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0
Total	4	8	0	2	0	0	0	14

3.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	0	16(2)	0	18(a)	0	20,1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20,2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20,4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	0
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	0
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	0
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	0
15(1)	0	16.1(1)(d)	0	19(1)	7	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	1	23	3
15(1) - Def.*	0	16,3	0	20(1)(b)	0	23,1	0
15(1) - S.A.*	0	16,31	0	20(1)(b.1)	0	24(1)	0
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(c)	0	26	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(d)	0		
16(1)(a)(iii)	0	16,5	0				
16(1)(b)	0	16,6	0				
16(1)(c)	0	17	0				
16(1)(d)	0						

3.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	0	69(1)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(a)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	0
68,1	0	69(1)(c)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(d)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(e)	0	69(1)(g) re (f)	0
		69(1)(f)	0	69.1(1)	0

3.4 Format of information released

Paper	Electronic	Other
1	7	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
8158	2845	10

3.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	1	5	0	0	0	0	0	0	0	0
Disclosed in part	5	85	0	0	1	889	1	1866	0	0
All exempted	0	0	0	0	1	0	0	0	1	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	6	90	0	0	2	889	1	1866	1	0

3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	0	0	0	0	0

3.6 Closed requests

3.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	14
Percentage of requests closed within legislated timelines (%)	100

3.7 Deemed refusals

3.7.1 Reasons for not meeting legislated timelines

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

3.7.2 Requests closed beyond legislated timelines (including any extension taken)

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timeline Where an Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

3.8 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Section 4: Extensions

4.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
All disclosed	0	0	0	0
Disclosed in part	2	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	2	0	0	0

4.2 Length of extensions

Length of Extensions	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
30 days or less	0	0	0	0
31 to 60 days	2	0	0	0
61 to 120 days	0	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	2	0	0	0

Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	13	\$60	0	\$0
Other fees	0	\$0	0	\$0
Total	13	\$60	0	\$0

Section 6: Consultations Received From Other Institutions and Organizations

6.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	29	1393	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	29	1393	0	0
Closed during the reporting period	29	1339	0	0
Carried over to next reporting period	0	54	0	0

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

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
Disclose entirely	16	5	0	0	0	0	0	21
Disclose in part	4	0	0	0	0	0	0	4
Exempt entirely	2	2	0	0	0	0	0	4
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	22	7	0	0	0	0	0	29

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Section 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

7.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101–500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Section 8: Complaints and investigations

Section 32 Notice of intention to investigate	Subsection 30(5) Ceased to investigate	Section 35 Formal representations	Section 37 Reports of finding received	Section 37 Reports of finding containing recommendations issued by the Information Commissioner	Section 37 Reports of finding containing orders issued by the Information Commissioner
1	0	0	1	0	0

Section 9.1 Court actions on complaints received before June 21, 2019 and on-going

9.1 Court actions on complaints received before June 21, 2019 and on-going

Section 41 (before June 21, 2019)	Section 42	Section 44
0	0	0

9.2 Court actions on complaints received after June 21, 2019

Section 41 (after June 21, 2019)				
Complainant (1)	Institution (2)	Third Party (3)	Privacy Commissioner (4)	Total
0	0	0	0	0

Section 10: Resources Related to the Access to Information Act

10.1 Costs

Expenditures	Amount
Salaries	\$17 400
Overtime	\$0
Goods and Services	\$0
• Professional services contracts	\$0
• Other	\$0
Total	\$17 400

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0,00
Part-time and casual employees	2,01
Regional staff	0,00
Consultants and agency personnel	0,00
Students	0,00
Total	2,01