NATIONAL GALLERY OF CANADA

MUSÉE DES BEAUX-ARTS DU CANADA

Annual Report

Access to Information Act

April 1, 2024 to March 31, 2025

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Introduction

Purpose of the Access to Information Act

The *Access to Information Act* ("the Act") provides Canadian citizens, permanent residents and any individual or corporation present in Canada the right to access information in records under the control of a government institution, in accordance with the principle that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific, and that decisions on the disclosure of government information should be reviewed independently of government.

As a federal Crown corporation, the National Gallery of Canada ("the Gallery") is subject to the Act. Section 94 of the Act requires that the head of every government institution submit an annual report on the administration of the Act within the institution during the period beginning on April 1 of the preceding year and ending on March 31 of the current year. The Annual Report is prepared and tabled in Parliament in accordance with section 94 of the Act and describes how the Gallery administered the Act from April 1, 2024to March 31, 2025.

NGC Background

The National Gallery of Canada was founded in 1880 by the then-Governor General, the Marquess of Lorne, in concert with the Royal Canadian Academy of Arts. With the enactment of the 1913 *National Gallery of Canada Act*, the federal government assumed responsibility for the Gallery. The federal government continued its stewardship through successive Acts of Parliament, culminating with the *Museums Act* of July 1, 1990, which established the Gallery as a Crown corporation.

Gallery Mandate, Authorities, and Public Policy Role

As per the *Museums Act*, 1990, c. 5, the National Gallery of Canada's mandate is *to develop, maintain, and make known, throughout Canada and internationally, a collection of works of art, both historic and contemporary, with special, but not exclusive, reference to Canada, and to further knowledge, understanding, and enjoyment of art in general among all Canadians*.

As a distinct legal entity, wholly owned by the Crown, the Gallery is a parent Crown corporation with agent status, is listed in Schedule 3, Part 1 of the *Financial Administration Act* (FAA) and is subject to the Crown corporation accountability framework established under Part X of the FAA. The Gallery has no non-operational subsidiaries.

The Gallery reports to the Parliament of Canada through the Minister of Canadian Identity and Culture and Minister responsible for Official Languages. Although it functions at arm's length from the federal government in its daily operations, as a member of the Canadian Heritage portfolio, the Gallery supports the Department in its mission, and contributes to government priorities.

Under the *Museums Act*, the Gallery plays an essential role, individually and together with other museums and like institutions, in preserving and promoting the heritage of Canada and all its peoples throughout Canada and abroad, and in contributing to the collective memory and sense of identity of all Canadians. As a source of inspiration, research, learning and entertainment, the Gallery provides, in both official languages, services that are essential to Canadian culture, and available to all.

Organizational Structure and Delegation Order

The Gallery's activities in relation to *Access to Information Act* are managed on a part-time basis by a member of the Corporate Secretariat who holds the position of Board and Access to Information and Privacy (ATIP) Coordinator, and to whom the Director and CEO has delegated all the powers, duties, and functions for the administration of the Act. A copy of the signed and dated Delegation Order that was in effect at the end of the reporting period is attached as Appendix 1.

During the reporting period, the ATIP Coordinator was supported by three part-time external consultants.

The ATIP Coordinator position is responsible for the following activities:

- processing formal requests under the *Access to Information Act* and *Privacy Act* (together "the Acts"), as well as informal requests for information and consultation requests from other government institutions*;*

- providing ongoing advice and guidance to senior management and Gallery staff on access to information and privacy legislation and related policies, privacy risk management activities, and other related matters;

- monitoring Gallery compliance with the Acts, its Regulations and relevant policies and procedures;

- acting, on behalf of the Gallery, in dealings with the Treasury Board of Canada Secretariat (TBS), the Offices of the Information Commissioner and Privacy Commissioner, as well as other government institutions, regarding the administration of the Act as it relates to the Gallery;

- preparing annual reports to Parliament, in addition to other statutory reports and material that may be required by central agencies;

- coordinating the annual update to *Info Source* and informing TBS of any changes to the Gallery's Personal Information Banks (PIBs);

- promoting awareness of the Acts, Regulations, and relevant procedures throughout the Gallery; and

- participating in government-wide forums for the ATIP community, including TBS community and ATIP Coordinator meetings, as well as ad-hoc working groups and training sessions.

Section 96 of the Act authorizes a government institution to provide services related to any power, duty or function conferred or imposed on the head of a government institution under the Act to another government institution that is presided over by the same Minister or that is under the responsibility of the same Minister and may receive such services from any other such government institution. Such services may be provided only if the government institution enters into a written agreement with the other institution. During the reporting period, the Gallery was not party to any agreement pursuant to section 96 of the Act.

Part 2 of the Act requires the Gallery to proactively publish travel and hospitality expenses and reports tabled in Parliament pursuant to sections 82, 83, and 84. For a breakdown of the groups responsible for meeting each applicable proactive publication requirement, see the section "**Proactive Publication under Part 2 of the Act**".

Performance 2024-2025

TBS requires the preparation of a Statistical Report, presenting data on the processing of requests for information under the Act and related compliance matters. The completed Statistical Report was submitted to TBS in May 2025 as required.

This section provides a narrative summary and interpretation of the data from the Statistical Report.

Section 1: Formal Requests Received

Number of Requests	**2024-2025**	**2023-2024**	**2022-2023**
Received during the reporting period	7	4	16
Outstanding from previous period	4	5	0
TOTAL (All requests)	**11**	**9**	**16**

The Gallery received seven formal requests for information under the Act during the reporting period, a slight increase from the four received in 2023-24, and a significant decrease from the sixteen requests received in 2022-23. Four requests were carried over from 2023-24. The Gallery therefore had a total of eleven active requests during 2024-25.

Nine requests were closed during the reporting period. Two requests, received from the reporting period, therefore remained active and within legislated timelines, as of the last day of the reporting period and were carried over to 2025-26.

Section 2: Informal Requests

During the reporting period, the Gallery received thirty-four informal requests for information, a notable rise from the ten informal requests received in 2023-24, and a significant increase from the seventeen requests received in 2022-2023. Thirty-three of the thirty-four informal requests received were completed during the reporting period. For the thirty-three requests, 21,179 pages were disclosed.

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

During the reporting period, the Gallery did not apply to the Information Commissioner on declining to act on requests.

Section 4: Requests Closed During the Reporting Period

Legislated Timelines and Completion Times

Of the Gallery's nine completed requests, seven were closed within the legislated timelines stipulated by the Act. The percentage of requests closed within legislated timelines was therefore 78%.

The following are the completion times for the nine completed requests:

- Three requests were completed within 15 days;
- One request was completed within 16 to 30 days;
- Three requests were completed within 61 to 120 days; and
- Two requests were completed in more than 365 days.

Disposition of Requests

Of the nine completed requests, 5 requests were "disclosed in part" (i.e. some information was withheld from disclosure), one had no existing records and three were "abandoned" (i.e. the requester formally withdrew). As such, 56% of completed requests were "disclosed in part", 11% had no existing records and 33% were "abandoned".

Exemptions

The Statistical Reports identify the number of requests for which specific types of exemptions were invoked. If the Gallery applied two different exemptions to a request, one exemption under each relevant section is reported. If the same exemption was claimed several times in the same request, it is captured only once in the statistics.

Exemptions invoked	2024-25	2023-24	2022-23
Section 15(1)	2	0	0
Section 16(2)	1	2	0
Section 18(a)	2	2	0
Section 18(b)	4	4	4
Section 18(d)	2	0	0
Section 19(1)	5	4	6
Section 20(1)(b)	2	1	2
Section 20(1)(c)	1	2	2
Section 20(1)(d)	2	1	1
Section 21(1)(a)	3	3	2
Section 21(1)(b)	4	3	1
Section 21(1)(c)	0	1	1
Section 21(1)(d)	1	3	1
Section 22	0	1	0
Section 23	1	1	1

Exclusions

The Act does not apply to published material, or library or museum material preserved solely for public reference or exhibitions purposes, pursuant to section 68. The Act also does not apply to Confidences of the Queen's Privy Council pursuant to section 69. One exclusion was invoked under section 68(a) and one under section 68(b) during the 2024-25 reporting period, but no exclusion was invoked in the two previous reporting periods.

Relevant Pages Processed and Disclosed

For the eight closed requests, 4,119 pages were processed and 3,682 pages were disclosed in full and/or in part. The number of pages processed represents a substantial decrease of 19% over the previous reporting period (5,107 pages processed). Of note, the number of pages processed as reported in the Statistical Report does not include pages that required review for relevancy, scope, or duplicates, and does not consider work and interim releases of records for ongoing requests. Accordingly, the number of pages reviewed by the ATIP Office was significantly higher than what is captured in the Statistical Report.

Section 5: Extensions

Section 9 of the Act provides for the extension of the statutory time limits if consultations are necessary or if the request is for a large volume of records and processing the request within the original time would unreasonably interfere with the operations of the institution.

Of the nine completed requests, five extensions were required for interference with operations/workload and four extensions were required for consultation.

Section 6: Fees

Application fees collected during the reporting period amounted to $25.00 for five of the new requests. Application fees were waived for two requests and none were refunded.

Section 7: Consultations Received from Other Institutions and Organizations

One consultation was received by the Gallery in 2024-25, which reflected a slight increase over the last reporting period as referenced in the following table:

Number of Consultations	**2024-25**	**2023-24**	**2022-23**
Received during the reporting period	1	0	2
Total	**1**	**0**	**2**

For the one consultation, 5 pages were reviewed and the file was closed, within 15 days during the reporting period.

Section 8: Completion Time of Consultations on Cabinet Confidences

There were no consultations on Cabinet confidences during the current and previous two reporting periods.

Section 9: Complaints, Audits, and Investigations

No complaints, investigations or audits were received or carried out during the reporting period. Therefore, no complaints remained active as of the last day of the reporting period.

Section 10: Court Action

As was the case for the last three fiscal years, there were no complaints concerning the Gallery that were subject to court action during the 2024-25 reporting period.

Section 11: Resources

Costs

For 2024-25, the costs directly associated with the administration of the *Access to Information Act* was estimated at $72,098 for salaries, professional services contracts, and other administrative expenses. This represents a significant decrease over 2023-24 ($125,099) and an increase over 2022-23 ($48,314).

Human Resources

For the reporting period, the number of full-time equivalents (FTE) dedicated to the administration of the *Access to Information Act* was estimated at 0.458, an important decrease over the 0.668 FTE reported in 2023-24 and a slight increase over the 0.358 FTE reported for 2022-23. Lower costs are primarily due to the decreased request page volume and complexity of requests.

The 0.458 FTE for 2024-25 includes both staff and consultant costs.

Reported costs and FTEs do not include resources required by other areas of the Gallery to search for responsive records and provide recommendations concerning the disclosure of information.

Training and Awareness

During the reporting period, the Gallery continued to take steps to ensure privacy training for all staff. Eight participants attended the training, which included awareness of *Access to Information Act* request processes and employee duty to assist obligations. Additional sessions will be delivered in the 2025-26 reporting period.

The ATIP Coordinator and part-time consultants provided periodic one-on-one advice and guidance on access to information request matters to NGC staff and management throughout the reporting period, as needed.

With respect to Part 2 Proactive Publication activities, each executive is briefed on disclosure requirements for all travel and hospitality expenditures. Regular updates and reminders are provided to the Senior Management Committee by the Chief Financial Officer.

Policies, Guidelines, and Procedures

To ensure heightened compliance with the processing of requests under the Act, the ATIP Office implemented revised procedures for Offices of Primary Interest (i.e. record holders) engaged in the collection of responsive records.

For the purposes of proactive publication requirements under Part 2 of the Act, the Gallery has a defined process to ensure the fulfillment of travel and hospitality expense proactive publication obligations. All such expenses are required to be pre-approved with the relevant forms and tools justifying the data elements to be published. Claim forms are also required at the conclusion of events to confirm actuals. During the reporting period, the Gallery moved to publishing the required travel and hospitality expenses on https://open.canada.ca/en/proactive-disclosure.

Initiatives and Projects to Improve Access to Information

The Gallery successfully onboarded to the Government of Canada ATIP Online Request service in early 2024-25.

Regarding monitoring for frequently requested types of information and the feasibility of making that information available by other means, due to the modest number of requests received each year, such trends would be easily identified and considered by the ATIP Coordinator as applicable.

Proactive Publication under Part 2 of the Act

The Gallery is a government institution as defined in section 3 of the Act, and for the purposes of the proactive publication requirements under Part 2. The Gallery is subject to the following sections as outlined in the table* below:

- Section 82: Travel expenses
- Section 83: Hospitality expenses
- Section 84: Reports tabled in Parliament

***Proactive Publication Requirements Table**

Legislative Requirement	Section of ATIA	Publication Timeline	Does requirement apply to your institution? (Y/N)	Internal group(s) or positions(s) responsible for fulfilling requirement	% of proactive publication requirements published within	Link to web page where published

					legislated timelines	
Apply to all Government Institutions as defined in section 3 of the *Access to Information Act*						
Travel Expenses	82	Within 30 days after the end of the month of reimbursement	Y	Gallery's Finance Team	100%	https://open.canada.ca/en/proactive-disclosure
Hospitality Expenses	83	Within 30 days after the end of the month of reimbursement	Y	Gallery's Finance Team	100%	https://open.canada.ca/en/proactive-disclosure
Reports tabled in Parliament	84	Within 30 days after tabling	Y	Respective Program Areas	100%	https://www.gallery.ca/about/governance/corporate-reports
Apply to government entities or Departments, agencies, and other bodies subject to the Act and listed in Schedules I, I.1, or II of the *Financial Administration Act*						
Contracts over $10,000	86	Q1-3: Within 30 days after the quarter Q4: Within 60 days after the quarter	N			
Grants & Contributions over $25,000	87	Within 30 days after the quarter	N			
Packages of briefing materials prepared for new or incoming deputy heads or equivalent	88(a)	Within 120 days after appointment	N			
Titles and reference numbers of memoranda prepared for a deputy head or equivalent, that is received by their office	88(b)	Within 30 days after the end of the month received	N			
Packages of briefing materials	88(c)	Within 120 days after appearance	N			

prepared for a deputy head or equivalent's appearance before a committee of Parliament						
Applies to government institutions that are departments named in Schedule I to the *Financial Administration Act* or portions of the core public administration named in Schedule IV to that Act (i.e. government institutions for which Treasury Board is the employer)						
Reclassification of positions	85	Within 30 days after the quarter	N			
Apply to Ministers' Offices (therefore apply to any institution that performs proactive publication on behalf of a Minister's Office)						
Packages of briefing materials prepared by a government institution for new or incoming ministers	74(a)	Within 120 days after appointment	N			
Titles and reference numbers of memoranda prepared by a government institution for the minister, that is received by their office	74(b)	Within 30 days after the end of the month received	N			
Package of question period notes prepared by a government institution for the minister and in use on the last sitting day of the House of Commons in June and December	74(c)	Within 30 days after last sitting day of the House of Common in June and December	N			

Packages of briefing materials prepared by a government institution for a minister's appearance before a committee of Parliament	74(d)	Within 120 days after appearance	N			
Travel Expenses	75	Within 30 days after the end of the month of reimbursement	N			
Hospitality Expenses	76	Within 30 days after the end of the month of reimbursement	N			
Contracts over $10,000	77	Q1-3: Within 30 days after the quarter Q4: Within 60 days after the quarter	N			
Ministers' Offices Expenses Note: This consolidated report is currently published by TBS on behalf of all institutions.	78	Within 120 days after the fiscal year	N			

Summary of Key Issues and Actions Taken on Complaints or Audits

There were no new or outstanding complaints or audits during the reporting period. No complaints remained active as of the last day of the reporting period.

Monitoring Compliance

Requests are regularly monitored through a tracking log, which captures detailed information concerning the timeline of each request. As the Gallery receives a modest number of requests

each year, the monitoring of the time required to process information requests is a straightforward exercise.

Inter-institutional consultations are limited to only when needed for the proper exercise of discretion or when there is an intention to disclose. Again, due to the modest number of requests received each year, the ATIP Coordinator is made aware of any intention to consult on a request and decides if such consultation is necessary.

While there is no formal monitoring in place regarding access to information and privacy clauses in contracts and agreements, the Gallery has implemented standard measures to promote the rights afforded under the *Access to Information Act* and *Privacy Act*. Standard instructions and clauses related to access to information and privacy are included in Request for Proposal processes and published on gallery.ca. These clauses are also included in all contracts. In addition, the ATIP Office and/or external legal counsel are engaged by programs areas and procurement on an ad hoc basis, to implement more detailed clauses for contracts and agreements requiring heightened administrative safeguards.

Regarding the accuracy and completeness of proactively published information under Part 2 of the Act, the Assistant Controller ensures reconciliation and entry with the forms and information exported directly from the financial system, for travel and hospitality expenses. Verification with the claimant is conducted prior to posting.

Additional Information

Whenever possible, information is provided informally to the public. For example, both the Communications Division and Visitor Services respond to many requests for information from the media and the public, respectively. The Gallery's website also serves as a valuable source of information about the institutions, and its programs, services, and activities.

Appendix 1 – *Access to Information Act* Delegation Order

The Director of the National Gallery of Canada, as designated head of the institution by virtue of Order-in-Council and pursuant to section 95(1) of the *Access to Information Act* (the *Act*) hereby designates the persons holding the positions set out herein or the persons occupying those positions on an acting basis, to exercise the powers, duties or functions of the Director as the head of a government institution, under the section or sections of the *Act* set out hereunder opposite each position.

Position	***Access to Information Act***	
Access to Information and Privacy Coordinator	4(2.1)	Reasonable effort to assist, respond accurately and completely and provide timely access in the format requested
Access to Information and Privacy Coordinator	6.1 (1) (1.3)(1.4) (2)	Reasons for declining to act on a request
Access to Information and Privacy Coordinator	7(a)	Notice where access requested
Access to Information and Privacy Coordinator	7(b)	Giving access to record
Access to Information and Privacy Coordinator	8(1)	Transfer of request to another institution
Access to Information and Privacy Coordinator	9	Extension of time limits
Access to Information and Privacy Coordinator	10	Provision of notice where access is refused
Access to Information and Privacy Coordinator	11(2),	Waiver of application fee
Access to Information and Privacy Coordinator	12(2)(b)	Language of access
Access to Information and Privacy Coordinator	12(3)(b)	Access in an alternative format
Access to Information and Privacy Coordinator	13	Exemption—Information obtained in confidence
Access to Information and Privacy Coordinator	14	Exemption—Federal–provincial affairs

Position	***Access to Information Act***	
Access to Information and Privacy Coordinator	15	Exemption—International affairs and defence
Access to Information and Privacy Coordinator	16	Exemption—Law enforcement and investigations
Access to Information and Privacy Coordinator	16.5	Exemption—for records related to a disclosure under the Public Servants Disclosure Protection Act
Access to Information and Privacy Coordinator	17	Exemption—Safety of individuals
Access to Information and Privacy Coordinator	18	Exemption—Economic interests of Canada
Access to Information and Privacy Coordinator	18.1	Exemption—Economic interest of the Canada Post Corporation, Export Development Canada, the Public Sector Pension Investment Board and VIA Rail Canada Inc.
Access to Information and Privacy Coordinator	19	Exemption—Personal information
Access to Information and Privacy Coordinator	20	Exemption—Third party information
Access to Information and Privacy Coordinator	21	Exemption—Operations of Government
Access to Information and Privacy Coordinator	22	Exemption—Testing procedures, tests, audits
Access to Information and Privacy Coordinator	22.1	Exemption—Audit working papers and draft audit reports
Access to Information and Privacy Coordinator	23	Exemption—Solicitor-client privilege
Access to Information and Privacy Coordinator	23.1	Exemption—Patent or trademark privilege
Access to Information and Privacy Coordinator	24	Exemption—Statutory prohibitions
Access to Information and Privacy Coordinator	25	Severability

Position	*Access to Information Act*	
Access to Information and Privacy Coordinator	26	Exception—Information to be published
Access to Information and Privacy Coordinator	27(1), (4)	Third party notification
Access to Information and Privacy Coordinator	28(1)(b), (2), (4)	Third party notification
Access to Information and Privacy Coordinator	33	Advising Information Commissioner of third-party involvement
Access to Information and Privacy Coordinator	35(2)(b)	Right to make representations
Access to Information and Privacy Coordinator	37(4)	Access to be given to complainant
Access to Information and Privacy Coordinator	41(2)	Review by Federal Court – government institution
Access to Information and Privacy Coordinator	43(2)	Notice to third party (application to Federal Court for review)
Access to Information and Privacy Coordinator	44(2)	Notice to applicant (application to Federal Court by third party)
Access to Information and Privacy Coordinator	52(2), (3)	Special rules for hearings
Access to Information and Privacy Coordinator	94(1), (4)	Prepare Annual report to Parliament
Access to Information and Privacy Coordinator	96(3), (4), (5)	Provision of services related to access to information to another government institution.

Position	*Access to Information Regulations*	
Access to Information and Privacy Coordinator	6(1)	Transfer of request
Access to Information and Privacy Coordinator	8	Providing access to record(s)

Position	***Access to Information Regulations***	
Access to Information and Privacy Coordinator	8.1	Limitations in respect of format

Dated at Ottawa on October 5, 2023

Jean-François Bélisle
Director and CEO, National Gallery of Canada