

ANNUAL REPORT
on the
Access to Information Act
2003 – 2004

Introduction ...

The creation of the Canadian Air Transport Security Authority (CATSA) in April 2002 was the centrepiece of the Government of Canada's response to the events of September 11, 2001 and part of a comprehensive \$2.2 billion package (over five years) for aviation security initiatives contained in the December 2001 budget. Established on April 1, 2002, through Bill C-49, CATSA is responsible for several key aviation security services.

Specifically, CATSA's mission is to protect the public by securing critical elements of the air transportation system as assigned by the government.

Since CATSA was only recently established as a Crown corporation, this is the first annual report on the *Access to Information Act* that CATSA has tabled in Parliament.

Highlights and accomplishments ...

As a new organization, CATSA is always working to perfect its programs. In the 2003-2004 fiscal year, CATSA gradually developed its Access to Information program with a view to creating a team of professionals who could assume the key legislative responsibilities around access to information and privacy issues.

CATSA recognizes the importance of the time limits stipulated in the *Access to Information Act*. In January 2004, CATSA purchased the ATIPflow software. This acquisition proved to be an important step in improving CATSA's administration of requests for the Access to Information program. Thanks to ATIPflow, the program is now able to manage requests made to CATSA much more efficiently.

Despite the addition of a part time resource and software, as a new Crown corporation CATSA finds it challenging to meet the statutory time limits of the *Act*.

Statistical report and trends ...

In the 2002-2003 fiscal year, CATSA received four (4) requests under the *Access to Information Act*, two (2) of which were carried forward to the 2003-2004 fiscal year.

As the enclosed statistical report shows, in the 2003-2004 fiscal year, CATSA received thirty-four (34) requests under the *Access to Information Act*. Six (6) requests were processed during the reporting period while thirty (30) requests were carried forward to the current fiscal year.

Of the thirty-four (34) new requests received in 2003-2004, sixteen (16) came from the public, fourteen (14) from the media, two (2) from business, one (1) from academia, and one (1) from an organization. On that basis, we may say that the majority of Requests for Access to Information received by CATSA come from the media and the public.

It is noteworthy that fifteen (15) of the sixteen (16) requests from the public came from the same requester. The fourteen (14) requests from the media were divided among six (6) different requesters.

Regarding the disposition of requests completed, in the six (6) requests processed in 2003-2004, partial disclosure was provided for three (3) requests, full disclosure for one (1) request, one (1) request could not be processed because there were no records relating to the request, and the sixth request was abandoned by the applicant.

The trend for exemptions invoked in 2003-2004 was relatively similar. Section 19(1) was most frequently invoked by CATSA, followed by sections 20(1)(a) and 21(1)(a). Other sections invoked with reference to access requests processed during the reporting period were sections 16(2), 18(a), 21(1)(c) and 24.

Of the six (6) requests processed during the past fiscal year, one (1) was processed within thirty days, two (2) within 31 to 60 days, one (1) within 61 to 120 days, and two (2) took more than 121 days to process. CATSA recognizes that there is room for improvement and will make every effort to ensure that the next fiscal year (2004-2005) sees progress in processing times.

During the reporting period, CATSA extended the time limit provided in the *Access to Information Act* in two (2) of the four (4) requests in which full or partial disclosure was provided. In one case, compliance with the time limit proved to interfere with the operations of the institution because such a large volume of records had to be searched in order to follow up the request. In the other case, the consultations required to follow up the request meant that processing could not reasonably be completed within the statutory 30-day period.

Lastly, the same method of disclosure was used in all four (4) requests processed in 2003-2004 in which full or partial disclosure was provided—the applicant was given a copy of the original record.

Complaints and investigations...

The Information Commissioner of Canada received one (1) complaint in the 2003-2004 fiscal year concerning a request for access to information processed by CATSA.

The applicant filed a complaint with the Information Commissioner concerning the exemptions and exclusions that were invoked for records that he had requested under the *Access to Information Act*, alleging that the exemptions were not properly applied, CATSA had failed to process the request within the statutory timeframe, and more records should exist.

The Office of the Information Commissioner launched an investigation into these allegations. CATSA collaborated fully with the investigation from the outset.

The investigation is still open; the Commissioner has not made a decision or released any results.

Organization of activities and procedures ...

CATSA is based in the National Capital Region and employs approximately 150 persons.

The organisation is headed by Jacques Duchesneau, President and Chief Executive Officer. Mr. Duchesneau is also the person designated as head of CATSA for the purposes of the *Access to Information Act*.

The Director of Communications is responsible for CATSA's Access to Information program. In CATSA's organizational structure for the 2003-2004 fiscal year, the Communications Division is under the Corporate Affairs Branch, whose Vice-President reports directly to the President and Chief Executive Officer.

In addition to her communications responsibilities, the Director of Communications serves as Access to Information and Privacy Coordinator. Thus, CATSA's Access to Information program has a coordinator and a communications analyst who are responsible for administering requests received by the organization.

Regarding information management, CATSA is decidedly on the same wavelength as the Information Commissioner, believing that sound management of records and information is a prerequisite to the successful application of the *Access to Information Act* and a key component of good governance.

It should be observed that the Administrative Services, Information Technology and Information Management program currently uses the Subject Classification System (SCS) to define CATSA's programs and functions. The SCS is also used in organizing official records.

It is also noteworthy that the organization's Information Management division is working with Library and Archives Canada on the new functional classification system for government records. This approach will further increase record-keeping efficiency by offering the option of tailoring the system to CATSA's programs. The new approach will continue to ensure CATSA's compliance with the *Access to Information Act*.

Like any responsible organization, CATSA has established institutional procedures for the requests for access to information it receives. These procedures provide that once the requests are entered in the management information system, they go directly to the Access to Information Coordinator. Program staff take care of the administrative and statutory duties related to information access, particularly administering fees, coordinating the collection of records, consulting, issuing notices of extension, reviewing records, coordinating approvals and drafting replies.

The Access to Information program coordinates the retrieval of the requested records from the organization's other programs. The program is responsible for reviewing records relating to the request and applying the exemptions and/or exclusions provided under the *Act*.

Once all the exemptions and/or exclusions have been identified, the program coordinates the executive approval process. The process established by the organization provides that first,

the access to information coordinator approves the exemptions and/or exclusions, then the records go to the director of the program concerned for approval, next to the vice-president of the program concerned, and finally to the President and Chief Executive Officer for final approval, as the person responsible for the application of the *Access to Information Act* at CATSA.

Once the senior management approvals have been obtained, the Access to Information program prepares the records to be disclosed and a reply is sent to the applicant by the coordinator.

On the question of formal vs. informal requests, it is important to note that CATSA favours the informal approach, which is definitely more flexible and also more effective in delivering information. Last year, CATSA was proactive in posting on its website the travel and hospitality expense reports of its President and senior management executives.

CATSA also regularly publishes on its website the approximate numbers of prohibited items intercepted at Canadian airports. In the past two fiscal years (2002-2003 and 2003-2004), information of this kind was the subject of three (3) requests for access to information. It is also a subject that is raised in many telephone conversations with media representatives who want to obtain information of this kind.

CATSA's Access to Information program realizes that it is essential to ensure ongoing employee training on our obligations under the *Access to Information Act*. On a regular basis, the program ensures that CATSA employees receive training on the importance of sound information and records management to ensure the organization's compliance with the *Access to Information Act*. In the 2003-2004 fiscal year, the program coordinator, in collaboration with the Information Commissioner, organized an information session for CATSA executives to raise their awareness of the importance and scope of the *Access to Information Act*.

Conclusion...

CATSA recognizes and respects the fundamental principle behind the *Access to Information Act*: the duty to disclose information in a manner which is not injurious to public and private interests.

CATSA believes that the quotation from the Report of the Standing Senate Committee on Security and Defence, entitled *The Myth of Security at Canada's Airports*, cited by the Information Commissioner in his 2002-2003 Annual Report, is very much on point:

"The future of Canadian democracy depends on being open with the people unless there is some clear reason why openness would endanger our society."

In view of the nature of CATSA's mission and mandate, in processing requests for access to information the organization must constantly balance its duty to inform Canadians against its duty to protect them.

As such, CATSA recognizes the importance of the *Access to Information Act* for Canadians and promises not only to meet its key statutory responsibilities and obligations with respect to access to information, but also to strive to continually improve its performance in processing requests for access to information.

REPORT ON THE ACCESS TO INFORMATION ACT / RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

Institution CANADIAN AIR TRANSPORT SECURITY AUTHORITY ADMINISTRATION CANADIENNE DE LA SÛRETÉ DU TRANSPORT AÉRIEN				Reporting period Période visée par le rapport 4/1/2003 to/à 3/31/2004	
Source	Media Médias 14	Academia Secteur universitaire 1	Business Secteur commercial 2	Organization Organisme 1	Public 16

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period / Reçues pendant la période visée par le rapport	34
Outstanding from previous period / En suspens depuis la période antérieure	2
TOTAL	36
Completed during reporting period / Traitées pendant la période visée par le rapport	6
Carried forward / Reportées	30

II Disposition of requests completed / Disposition à l'égard des demandes traitées

1. All disclosed / Communication totale	1	6. Unable to process / Traitement impossible	1
2. Disclosed in part / Communication partielle	3	7. Abandoned by applicant / Abandon de la demande	1
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0	8. Treated informally / Traitement non officiel	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0	TOTAL	6
5. Transferred / Transmission	0		

III Exemptions invoked / Exemptions invoquées

S. Art. 13(1)(a)	0	S. Art. 16(1)(a)	0	S. Art. 18(b)	0	S. Art. 21(1)(a)	2
(b)	0	(b)	0	(c)	0	(b)	0
(c)	0	(c)	0	(d)	0	(c)	1
(d)	0	(d)	0	S. Art. 19(1)	3	(d)	0
S. Art. 14	0	S. Art. 16(2)	1	S. Art. 20(1)(a)	2	S. Art. 22	0
S. 15(1) International rel. / Relations intern.	0	S. Art. 16(3)	0	(b)	0	S. Art. 23	0
Defence / Défense	0	S. Art. 17	0	(c)	0	S. Art. 24	1
Subversive activities / Activités subversives	0	S. Art. 18(a)	1	(d)	0	S. Art. 26	0

IV Exclusions cited / Exclusions citées

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

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	1
31 to 60 days / De 31 à 60 jours	2
61 to 120 days / De 61 à 120 jours	1
121 days or over / 121 jours et plus	2

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	1	0
Consultation	1	0
Third party / Tiers	0	0
TOTAL	2	0

VII Translations / Traductions

Translations requested / Traductions demandées	0
Translations prepared / Traductions préparées	0
English to French / De l'anglais au français	0
French to English / Du français à l'anglais	0

VIII Method of access / Méthode de communication

Copies given / Copies de l'original	4
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX Fees / Frais

Net fees collected / Frais nets perçus			
Application fees / Frais de la demande	\$165.00	Preparation / Préparation	\$0.00
Reproduction	\$0.00	Computer processing / Traitement informatique	\$0.00
Searching / Recherche	\$0.00	TOTAL	\$165.00
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		0	\$0.00
Over \$25.00 / De plus de 25 \$		0	\$0.00

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)		(\$000)
Salary / Traitement		35,000.0
Administration (O and M) / Administration (fonctionnement et maintien)		5,000.0
TOTAL		40,000.0
Person year utilization (all reasons) / Années-personnes utilisées (raisons)		
Person year (decimal format) / Années-personnes (nombre décimal)		0.50