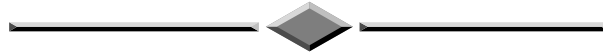


Canada Firearms Centre



**ANNUAL REPORT TO PARLIAMENT
2004-2005**

***ACCESS TO INFORMATION ACT
AND
PRIVACY ACT***

Canada Firearms Centre

ANNUAL REPORT TO PARLIAMENT

2004-2005



ACCESS TO INFORMATION ACT
AND PRIVACY ACT

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INTRODUCTION

The *Access to Information Act* and the *Privacy Act* were proclaimed into force on July 1, 1983.

The *Access to Information Act* gives Canadian citizens, permanent residents and any person and corporation present in Canada a right of access to information contained in government records, subject to certain specific and limited exceptions. The *Privacy Act* extends to individuals the right of access to information about themselves held by the government, subject to specific and limited exceptions. The *Privacy Act* also protects individuals' privacy by preventing others from having access to their personal information and gives individuals substantial control over its collection, use and disclosure.

Section 72 of the *Access to Information Act* and section 72 of the *Privacy Act* require that the head of every government institution prepare for submission to Parliament an annual report on the administration of the *Acts* within the institution during each financial year.

This is the Second Annual Report on the administration of the *Access to Information Act* and the *Privacy Act* for the Canada Firearms Centre. It describes how the agency administered its responsibilities in the fiscal year 2004-2005 in relation to the *Acts*.

PART I



GENERAL INFORMATION

Canada Firearms Centre

To better understand the context in which the *Access to Information* and the *Privacy Acts* are implemented, this section presents background information about the Canada Firearms Centre (CAFC) and the Canadian Firearms Program (CFP).

The Canada Firearms Centre (CAFC) is a separate agency within the portfolio of Public Safety and Emergency Preparedness Canada. The Deputy Head of the CAFC is the Commissioner of Firearms, who is appointed pursuant to section 81.1 of the *Firearms Act*.

The CAFC is responsible for the overall administration of the Firearms Program, which includes the licensing of firearm owners, the registration of firearms and other measures related to safe and responsible firearms use and firearms controls. Some of these responsibilities are shared with provincial officials, i.e., provincially appointed Chief Firearms Officers (CFO). The agency is composed of its Headquarters and Canadian Firearms Registry Operations Offices in Ottawa, Ontario, a call centre and application-processing site in Miramichi, New Brunswick and five regional CFO offices. The office of the Chief Firearms Officer (CFO) for Newfoundland and Labrador is located in St. John's, Newfoundland, the office of the CFO for British Columbia and Yukon is in Surrey, BC, the office of the CFO for Alberta and Northwest Territories is located in Edmonton, Alberta, the office of the CFO for Saskatchewan is situated in Regina, SK and the office of the CFO for Manitoba and Nunavut is located in Winnipeg, Manitoba. This structure for CFO operations was confirmed in June 2005.

The CAFC maintains the Canadian Firearms Information System (CFIS), the fully integrated automated information system that provides support to partners involved in licensing, registration and the issuance of authorizations related to restricted and prohibited firearms, and to police services and other public safety offices.

The CAFC also develops and manages safety training courses and material and designs all application forms concerning firearms; conducts research, consults and develops policy related to firearms; develops proposals for legislation and accompanying regulations; negotiates agreements with the provinces and territories; and participates in international activities related to firearms.

ACCESS TO INFORMATION AND PRIVACY ACTIVITIES

The Director General, Policy, Communications and Consultation, is responsible for the operations (under delegated authority) of the Access to Information and Privacy Office and is accountable for the development, coordination and implementation of effective policies and guidelines, systems and procedures to enable efficient processing of requests under the *Access to Information Act* and the *Privacy Act*. The Director General is also responsible for related policies, systems and procedures emanating from the *Acts*, such as the policy of government on information collection and public opinion research.

The activities of the Office of Access to Information and Privacy (ATIP) include:

- processing requests under both *Acts*;
- acting as spokesperson for the agency in dealings with the Treasury Board Secretariat, the Information and Privacy Commissioners and other government departments and agencies regarding the application of both *Acts* as they relate to the agency;
- responding to consultation requests submitted by other federal institutions on Canada Firearms Centre documents located in their files and on records that may be subject to the solicitor-client privilege;
- reviewing and approving information collections in accordance with the Government Policy on Information Collection and Public Opinion Research;
- preparing annual reports to Parliament and other statutory reports, as well as other material that may be required by central agencies;
- developing policies, procedures and guidelines for the orderly implementation of both *Acts* by the agency;
- promoting awareness of both *Acts* to ensure departmental responsiveness to the obligations imposed on the government; and
- monitoring departmental compliance with both *Acts*, regulations and relevant procedures and policies.

ORGANIZATION FOR THE IMPLEMENTATION OF ATIP ACTIVITIES

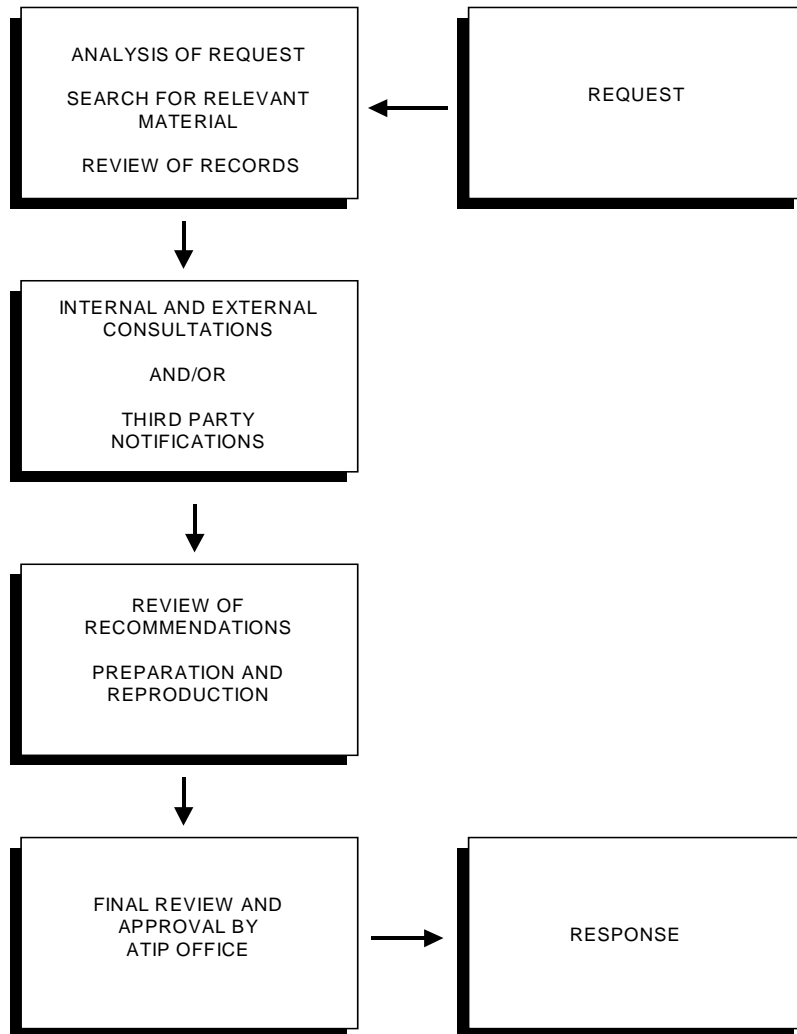
The Director General, Policy, Communications and Consultations has full authority (except for 8(2)(m) of the *Privacy Act*) delegated by the Commissioner of Firearms for the administration of the two *Acts*.

The Access to Information and Privacy Office operated with a total of 3 employees, all of whom administered both the *Access to Information Act* and the *Privacy Act* and related functions on a full-time basis. Moreover, officials from all areas of CAFC were directly involved in the application of both *Acts* in the process of making recommendations concerning the disposition of requests and ensuring compliance with the *Acts*.

The reading room, which is located in the National Capital Region (Public Safety and Emergency Preparedness Canada 340 Laurier Avenue West, Ottawa, Ontario K1A 0P8), and the regional offices make available to the public the current version of Info Source, as well as departmental publications and manuals.

The chart shown on page 5 indicates the stages of processing requests.

PROCESSING CHART



ADMINISTRATIVE ISSUES

Salary and Administrative Expenditures

A total of 3 persons were utilized in the administration of the *Access to Information Act* and the *Privacy Act*. The salary expenditures amounted to \$147,687.84.

Administrative expenditures amounted to \$23,395.26.

The administrative and salary expenditures were apportioned between the two *Acts*, as shown in the statistical reports on pages 12 and 19. (40% to Privacy and 60% to Access to Information, respectively).

Education and Training

ATIP officers regularly give advice on the application of the legislation to employees who must provide documents requested by applicants and undertake assessments. Information sessions are also given as needed to all areas of the CAFRC. These sessions emphasize the aspects of the *Acts* that are directly related to the employees' areas of responsibility, as well as focus on the basic principles underpinning the Access to Information and Privacy legislation and CAFRC operations.

ATIP employees participated in training sessions and seminars organized by the Treasury Board Secretariat and by the Canadian Access and Privacy Association (CAPA), bringing the ATIP community up to date with developments in the information field.

PART II



REPORT ON THE *ACCESS TO INFORMATION ACT*

REQUESTS UNDER THE ACCESS TO INFORMATION ACT

I. Statistical Report

The annual statistical report for the fiscal year 2004-2005 is included at the end of this chapter on page 13.

II. Explanation of the Statistics

1. Informal Requests

The policy of the ATIP Office is generally to consider as informal any requests for material already released in response to previous access to information requests; requests for documents releasable without exemptions; requests for call-ups against standing offers for temporary help services, etc. These are guidelines only; a determination is made for each request and, whenever possible, the request is processed on an informal basis.

No informal requests were received during the fiscal year 2004-2005.

The statistics are based on formal requests only. Therefore, details on requests treated informally are not included in the statistical report or in the following explanations.

2. Requests Received

Sixty-Four (64) requests were received during the period under review. In addition, seventeen (17) requests had been carried forward, for a total of eighty-one (81) requests to be processed during the fiscal year.

3. Sources of Requests Received

The Organizations category was the largest group of requesters, which includes political parties and other governments.

2004-2005	<u>Percentage</u>
Organizations	53.2
Public	15.6
Media	14.0
Business	15.6
Academia	1.6
	100

4. Requests Completed

Seventy-seven (77) access requests were completed during the fiscal year; four (4) requests were carried forward to be completed in the next fiscal year.

5. Disposition of Requests Completed

	<u>Number of Requests</u>	<u>Percentage</u>
Documents disclosed entirely	33	42.9
Documents disclosed in part	25	32.5
No disclosure (exempted/excluded)	0	0.0
Unable to process	13	16.9
Abandoned by requester	4	5.2
Transferred	2	2.5
Treated informally	0	0.0
	77	100

a) Unable to Process

Thirteen (13) requests could not be processed because no relevant records existed under the control of the Canada Firearms Centre.

b) Abandoned

Four (4) requests were abandoned by the requesting party.

c) Transferred

Two (2) requests were transferred to other government institutions having a greater interest in the subject of the request.

6. Extensions

Eleven (11) extensions were required for files completed during the fiscal year 2004-2005.

7. Completion Time

The time required to process the requests is summarized below:

	<u>Number of Requests</u>	<u>Percentage</u>
30 days or under	45	58.5
31 to 60 days	19	24.7
61 to 120 days	6	7.8
121 days or over	7	9.0
Total	77	100

8. Method of Access

Access to the relevant documents was given, in whole or in part, for fifty-eight (58) requests. Copies were provided in all cases.

9. Fee Waivers

The policy of the Canada Firearms Centre is to waive reproduction fees whenever less than 200 pages are disclosed. However, when more than 200 pages are disclosed, fees may be calculated for the total number of pages. For extensive or complex requests, search and preparation fees were charged as determined on a case-by-case basis.

III. Consultations by Other Federal Institutions

Twenty-four (24) consultations were received from other federal institutions during the fiscal year covered by this report. These consultations are processed on a priority basis, taking into account the time limits of each request. Some requests were time-consuming and required review by departmental legal counsel.

IV. Complaints and Investigations

The complaint findings by the Information Commissioner are defined as follows:

- resolved: The complaint was resolved to the satisfaction of the Commissioner as a result of remedial action by the agency.
- unresolved: The agency did not follow the recommendations of the Commissioner.
- not substantiated: There was no breach of the *Act*.
- discontinued: The complaint was withdrawn or abandoned by the complainant.

The results of the investigations are summarized below.

REASON	RECEIVED	RESOLVED	NOT SUBSTANTIATED	WITHDRAWN
Delay	3	2	0	0
Exemption	3	0	1	0
Extension	1	0	0	0
Incomplete records	2	3	0	0
No records	8	0	2	1
Other	6	1	1	0
TOTAL	23	6	4	1

1. Complaints filed

Twenty-three (23) complaints were lodged with the Information Commissioner during the 2004 – 2005 fiscal year. Eight (8) of these complaints dealt with requests that were completed during the 2003-2004 fiscal year.

2. Completed Investigations

Eleven (11) investigations were completed. Six (6) complaints were resolved to the satisfaction of the Information Commissioner. Furthermore, Four (4) complaints were not substantiated and one (1) complaint was withdrawn. Two (2) of these completed investigations dealt with complaints that were lodged during the 2003 – 2004 fiscal year.

3. On-going Investigations

At the end of the fiscal year, fifteen (15) complaints were still under investigation by the Office of the Information Commissioner, two of which had been lodged during the 2003 –2004 fiscal year.

4. Review by the Federal Court of Canada

No application for judicial review was filed pursuant to section 44 of the *Access to Information Act* during the fiscal year 2004-2005.

ACCESS TO INFORMATION ACT



ANNUAL STATISTICAL REPORT

APRIL 1, 2004 TO MARCH 31, 2005



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

Institution Canada Firearms Centre Centre des armes à feu Canada				Reporting period Période visée par le rapport 1/04/2004 TO / AU 3/31/2005			
Source Source	Media Médias	Academia Secteur universitaire	Business Secteur commercial	Organization Organisme	Public		
	9	1	10	34	10		

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	64
Outstanding from previous period En suspens depuis la période antérieure	17
TOTAL	81
Completed during reporting period Traitées pendant la période visée par le rapport	77
Carried forward Reportées	4

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

1. All disclosed Communication totale	33	6. Unable to process Traitement impossible	13
2. Disclosed in part Communication partielle	25	7. Abandoned by applicant Abandon de la demande	4
3. Nothing disclosed (excluded) Aucune communication (exclusion)	0	8. Treated informally Traitement non officiel	0
4. Nothing disclosed (exempt) Aucune communication (exemption)	0		
5. Transferred Transmission	2	TOTAL	77

III Exemptions invoked
Exceptions invoquées

S. Art. 13 (1) (a)	2	S. Art. 16 (1) (a)	1	S. Art. 18 (b)	7	S. Art. 21 (1) (a)	9
(b)	0	(b)	1	(c)	0	(b)	3
(c)	1	(c)	0	(d)	0	(c)	2
(d)	0	(d)	0	S. Par. 19 (1)	15	(d)	6
14	12	S. Par. 16 (2)	2	S. Art. 20 (1) (a)	0	S. A. 22	0
S. Art. 15 (1) International rel. Relations inter.	0	S. Par. 16 (3)	0	(b)	8	S. A. 23	3
Defence Défense	2	S. A. 17	0	(c)	11	S. A. 24	0
Subversive activities Activités subversives	0	S. Art. 18 (a)	0	(d)	6	S. A. 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)	2
S. Art. 69 (1) (a)	1	(f)	0
(b)	0	(g)	4

V Completion time
Délai de traitement

30 days or under 30 jours ou moins	45
31 to 60 days De 31 à 60 jours	19
61 to 120 days De 61 à 120 jours	6
121 days or over 121 jours ou plus	7

VI Extensions
Prorogations

	30 days or under 30 jours ou moins	31 days or over 31 jours ou plus
Searching Recherche	0	0
Consultation	1	6
Third party Tiers	3	1
TOTAL	4	7

VII Translations
Traductions

Translations requested Traductions demandées	0
Translations prepared De l'anglais au français	0
Traductions préparées Du français à l'anglais	0

VIII Method of access
Méthode de consultation

Copies given Copies de l'original	58
Examination Examen de l'original	0
Copies and examination Copies et examen	0

IX Fees
Frais

Net fees collected Frais net perçus			
Application fees Frais de la demande	295,00 \$	Preparation Préparation	0,00 \$
Reproduction	0,00 \$	Computer processing Traitement informatique	0,00 \$
Searching Recherche	0,00 \$	TOTAL	295,00 \$
Fees waived Frais auxquels on renonce		No. of times Nombre de fois	\$

X Costs
Coûts

Financial (all reasons) Financiers (raisons)		(000)
Salary Traitement	\$	88 612,70
Administration	\$	14 037,20
TOTAL	\$	102 649,90
Person year utilization (all reasons) Années personnes utilisées (raisons)		

25.00 or under 25,00 \$ ou moins	48	197,80 \$
Over \$25.00 Plus de 25,00\$	9	855,40 \$

Person year (decimal format) Années personnes (nombre décimal)	1,80
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PART III



REPORT ON THE *PRIVACY ACT*

REQUESTS UNDER THE *PRIVACY ACT*

I. Statistical Report

The annual statistical report for the fiscal year 2004-2005 is included at the end of this chapter on page 20.

II. Explanation of the Statistics

1. Requests Received

Seventy-six (76) requests were received. Four (4) requests had been carried forward from the previous year.

2. Requests Completed

Seventy-five (75) privacy requests were completed during the year and five (5) requests were carried forward and will be processed during the fiscal year 2005-2006.

3. Disposition of Requests Completed

	<u>Number of Requests</u>	<u>Percentage</u>
Documents disclosed entirely	19	25.3
Documents disclosed in part	48	64.0
No disclosure (exempted/excluded)	0	0.0
Unable to process	6	8.0
Abandoned by requester	2	2.7
	75	100

a) Unable to Process

Six (6) requests could not be processed because no relevant records existed under the control of the Canada Firearms Centre.

b) Abandoned

In two (2) cases, following contact with the applicant either to seek clarification or to provide explanations of the role of the agency, the applicant did not pursue the request.

4. Extension

Three (3) extensions were required during the fiscal year 2004-2005.

5. Completion Time

The completion time can be summarized as follows:

	<u>Number of Requests</u>	<u>Percentage</u>
30 days or under	63	84.1
31 to 60 days	10	13.3
61 to 120 days	2	2.6
121 days or over	0	0.0
Total	75	100

6. Method of Access

Access to the relevant documents was given, in whole or in part, in response to sixty-seven (67) requests. Copies were provided in all cases.

III. Consultations by Other Federal Institutions

Two (2) consultations were received during the fiscal year 2004-2005.

IV. Complaints and Investigations

The complaint findings are defined as follows:

- founded: There was a breach of the *Privacy Act*.
- settled/resolved: There may or may not have been a breach of the *Privacy Act*. A complaint is reported as resolved when it was well-founded but resolved to the satisfaction of the Commissioner. The complaint is reported as settled in the course of the investigation when the complaint was resolved to the satisfaction of the complainant, without requiring a formal letter of findings from the Office of the Privacy Commissioner.
- not substantiated: There was no breach of the *Act*.
- discontinued: The complaint was withdrawn or abandoned by the complainant.

1. Complaints filed

One (1) complaint was lodged with the Privacy Commissioner during the fiscal year 2004-2005 however it was discontinued.

2. Review by the Federal Court of Canada

No applications were filed pursuant to section 41 of the *Privacy Act* during the fiscal year 2004-2005.

V. Requests for Correction of Personal Information

Paragraph 12(2)(a) of the *Act* provides that every individual given access to personal information about himself or herself that has been used, is being used, or is available for use for an administrative purpose is entitled to request correction of the information where the individual believes there is an error or omission therein.

No requests for correction were received during the fiscal year 2004-2005.

VI. Use and Disclosure

The policy of the Canada Firearms Centre concerning the use of personal information is that such information is used solely for the purpose for which it was collected or for consistent uses.

VII. Disclosures made pursuant to paragraph 8(2) of the *Privacy Act*

Paragraph 8(2) outlines under what circumstances personal information under the control of a government institution may be disclosed.

Disclosure of personal information related to firearms licensing and registration was made to the RCMP, and other police forces, under 8 (2)(a) for the purpose for which the information was obtained or compiled by the institution or for the use consistent with that purpose.

VIII. Exempt Banks

The Department has no exempt banks under the *Privacy Act*.

IX. Privacy Impact Assessments (PIA)

1. Number of PIA and Preliminary Privacy Impact Assessments (PPIA) initiated

The Canada Firearms Centre initiated one PIA during the reporting period.

This PIA does not fit an exact category as described below. It is a "partial" PIA, as not all firearms legislation/regulations previously passed had yet come into force so a full review of all anticipated Program operations was not possible.

2. Number of PIAs and PPIAs completed

One PIA was completed during the period under review.

3. Number of PIAs and PPIAs forwarded to the Office of the Privacy Commissioner

The Centre submitted one PIA to the Office of the Privacy Commissioner.

4. Description of PIAs

The CAFC prepared a partial Privacy Impact Assessment September 27, 2004 to evaluate the level of risk and management of those risks associated with the collection, use and disclosure of personal information by the Canadian Firearms Program.

X. Data Matching and Sharing Activities

There were no new data matching or sharing activities undertaken during the reporting period.

XI. Investigations Conducted by the Privacy Commissioner

Pursuant to subsection 37(1) of the *Privacy Act*, the Privacy Commissioner may carry out investigations in respect of personal information under the control of government institutions to ensure compliance with sections 4 to 8. The Canada Firearms Centre was not the subject of an investigation by the Office of the Privacy Commissioner.

PRIVACY ACT



ANNUAL STATISTICAL REPORT
APRIL 1, 2004 TO MARCH 31, 2005



RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution Canada Firearms Centre / Centre des armes à feu Canada	Reporting period Période visée par le rapport 1/4/2004 TO / AU 3/31/2005
------------------------------------------------------------------------------	---------------------------------------------------------------------------------------

I Requests under the Privacy Act
Demandes en vertu de la Loi sur la protection des renseignements personnels

Received during reporting period Reçues pendant la période visée par le rapport	76
Outstanding from previous period En suspens depuis la période antérieure	4
TOTAL	80
Completed during reporting period Traitées pendant la période visée par le rapport	75
Carried forward Reportées	5

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

1. All Disclosed Communication totale	19
2. Disclosed in part Communication partielle	48
3. Nothing disclosed (excluded) Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) Aucune communication (exclusion)	0
5. Unable to process Traitement impossible	6
6. Abandoned by applicant Abandon de la demande	2
7. Transferred Transmission	0
TOTAL	75

III Exemptions invoked
Exceptions invoquées

S. Art. 18 (2)	0
S. Art. 19 (1) (a)	0
(b)	0
(c)	0
(d)	0
S. Art. 20	1
S. Art. 21	0
S. Art. 22 (1) (a)	11
(b)	11
(c)	0
S. Art. 22 (2)	0
S. Art. 23 (a)	0
(b)	0
S. Art. 24	0
S. Art. 25	3
S. Art. 26	48
S. Art. 27	0
S. Art. 28	0

IV Exclusions cited
Exclusions citées

S. Art. 69 (1) (a)	0
(b)	0
69 (2)	0
S. Art. 70 (1) (a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

V Completion time
Délai de traitement

30 days or under 30 jours ou moins	63
31 to 60 days De 31 à 60 jours	10
61 to 120 days De 61 à 120 jours	2
121 days or over 121 jours ou plus	0

VI Extensions
Prorogations des délais

	30 days or under 30 jours ou moins	30 days or over 30 jours ou plus
Interference with operations Interruption des opérations	0	0
Consultation	3	0
Translation Traduction	0	0
TOTAL	3	0

VII Translations
Traductions

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

VIII Method of Access
Méthode de consultation

Copies given Copies de l'original	67
Examination Examen de l'original	0
Copies and Examination Copies et examen	0

IX Corrections and notation
Corrections et mention

Corrections requested Corrections demandées	0
Corrections made Corrections effectuées	0
Notation attached Mention annexée	0

X Costs
Coûts

Financial (all reasons) Financiers (raisons) (000)	
Salary Traitement	\$ 59,075.10
Administration	\$ 9,358.10
TOTAL	\$ 68,433.20
Person year utilization (all reasons) Années-personnes utilisées (raisons)	
Person year (decimal format) Années-personnes (nombre décimal)	1.20