



*Access to Information Act
and Privacy Act*

**Annual Report to Parliament
April 1, 2003 to March 31, 2004**

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Introduction

The *Access to Information Act* and the *Privacy Act* took effect 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. This *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 report is intended to describe how Western Economic Diversification (WD) administered its responsibilities under both *Acts* in the fiscal year 2003-2004.

Copies of this report may be obtained from:

Western Economic Diversification Canada
Access to Information and Privacy Coordinator
Suite 1500, 9700 Jasper Avenue
Edmonton, AB
T5J 4H7

Background on the Department

Western Economic Diversification Canada (WD) was established in 1987 to help lessen the West's economic dependence on natural resources. Under the *Western Diversification Act, 1988*, the department is mandated to "promote the development and diversification of the economy of Western Canada and to advance the interests of Western Canada in national economic policy, program and project development and implementation."



In 1995, as a result of Program Review decisions and associated budget reductions, WD moved away from its direct assistance programs. The department redirected its core resources towards establishment of innovative partnership arrangements with the members of the Western Canada Business Services Network (WCBSN), and also with entities including other levels of government, universities, financial institutions, the private sector, and the not for profit sector. These arrangements helped to support the establishment and growth of small- and medium-sized enterprises (SMEs), the growth of knowledge-based industries, and the economic inclusion of traditionally economically disadvantaged groups such as women, youth, Aboriginal people, francophone entrepreneurs, and new Canadians.

WD has evolved with changing economic pressures and emerging government priorities. WD investments help the West to respond to opportunities and challenges by recognizing the socio-economic drivers that support small businesses and help communities to thrive; and by consolidating partnerships in both the public and private sector to share the costs of major new initiatives. WD's efforts are concentrated in three distinct but interrelated areas: Innovation, Entrepreneurship, and Sustainable Communities.

WD's priority areas also reflect the government's priorities, and are aligned with the Speech from the Throne and special initiatives such as the National Innovation Strategy.

The department's Head Office is located in Edmonton, Alberta, co-located with the Regional Office for Alberta. There are regional offices located in each of the other western provinces, in Winnipeg, Saskatoon and Vancouver, and a Liaison Office located in Ottawa. Regional satellite offices have also been opened in Calgary, Victoria and Regina. The department's Deputy Minister is located in Edmonton, and Assistant Deputy Ministers are located in Vancouver, Edmonton, Saskatoon, Winnipeg and Ottawa.

As part of the reorganization announced by the Prime Minister in December 2003, the Minister of Western Economic Diversification Canada leads the department. The department will continue to work closely with Industry Canada and other Regional Development Organizations.

For more information on the Department's activities, we invite you to visit our website: www.wd.gc.ca

Access to Information and Privacy Unit Responsibility

The Departmental Coordinator of Access to Information and Privacy is accountable for the development, coordination and implementation of effective policies, guidelines, systems and procedures to ensure the Minister's responsibilities under the *Access to Information Act* and the *Privacy Act* are met and to enable appropriate processing and proper disclosure of information. The Coordinator is also responsible for related policies, systems and procedures emanating from the *Acts*.



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

- processing requests under both *Acts*;
- representing WD 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 WD;
- responding to consultations submitted by other federal institutions on WD documents under consideration for release;
- preparing annual reports to Parliament and other statutory reports, as well as other material that may be required by central agencies;
- developing and maintaining policies, procedures and guidelines to ensure both *Acts* are respected by WD;
- promoting awareness of both *Acts* to ensure departmental responsiveness to the obligations imposed on the government;
- monitoring departmental compliance with both *Acts*, regulations and relevant procedures and policies.

Expediency

Interpretation of the Statistical Report and the administration of the *Access to Information Act*

a) Requests under the Access to Information Act

Between April 1, 2003, and March 31, 2004, WD received seventy-three (73) requests for information under the Access to Information Act. In all, (sixty-eight) 68 were completing during the reporting period, two (2) of which were outstanding from the previous year and seven (7) were carried forward to the next fiscal year. WD was also consulted by other Departments with regard to twenty (20) access to information requests.

Appendix A provides a statistical summary of the access to information requests received and/or finalized in 2003-2004.

b) Sources of requests received

The majority of requests were received from organizations (48), which includes political parties, followed by those from business (9), media (9) and the public sector (7).



Source	Number	Percentage
Media	9	12 %
Business	9	12 %
Organization	48	67 %
Public Sector	7	9 %

c) Dispositions of requests completed

WD finalized the 68 requests cited in Appendix A in the following manner:

- Twenty-four (24) requests resulted in the release of all information sought.
- Nineteen (16) requests resulted in partial disclosures. Subsections 19(1), 20(1) and 21(1) were the most invoked provisions and were used to withhold personal information, third party information and advice provided.
- Twenty-two (22) requests could not be processed, as the information requested did not exist.
- One (1) request was severed in its entirety.
- Five (5) requests were abandoned by the applicant.

d) Exemptions invoked

As noted in Appendix A, exemptions under sections 13, 18, 19, 20, 21, and 23 of the *Act* were invoked by WD. The Appendix is intended to show the number of requests where specific types of exemptions were invoked to deny access. For example, if in processing a request, five different exemptions were applied by WD, one exemption under each relevant section would be reported for a total of five. If the same exemption is claimed several times for the same request, it is reported only once in Appendix A.

e) Exclusions cited

The *Act* does not apply to published material pursuant to section 68 and to confidences of the Queen's Privy Council pursuant to section 69. Section 68 was invoked three times (3) and section 69 was invoked on eleven (11) occasions during the period covered by this report.



f) Extensions of time limits

Section 9 of the *Act* provides for the extension of the statutory time limits if consultations are necessary or the request is for a large volume of records and processing the request within the original time limit would unreasonably interfere with the operations of the department. During the reporting period, four (4) requests were extended for 30 days or less, and fourteen (14) requests required an extension for more than 30 days.

g) Completion time

Of the sixty-eight (68) requests that were completed during the reporting period, forty (40) were completed in thirty days or less, thirteen (13) were completed in the 31 to 60-day period, twelve (12) were completed in the 61 to 120-day period and three (3) were completed beyond the 121 days.

h) Method of access

Access to the relevant documents was given, in whole or in part, for thirty-nine (39) requests. On the one remaining occasion, the requestor chose to come and examine the material before taking any copies.

i) Fees

The fees collected during the reporting period totalled \$755. In accordance with government policy, it is the Department's practice to waive fees where the total owing per request amounts to less than \$25. Fees waived during 2003-2004 amounted to \$ 296.40.

j) Costs

Total salary costs associated with the *Access to Information Act* are estimated at \$40,000 for 2003-2004. Other costs amounted to \$39,500 for a total of \$ 79,500. Because of the difficulty of collecting complete time costs from responsibility centres, the aforementioned figures are underestimated. The associated employee resources for 2003-2004 are fixed at .85 FTE for administering the *Act*.

In October 2003, a full-time position designated to the Access to Information file was created to ensure effective management of the ATIP Process.

k) Complaints received

In 2003-2004, WD received two complaints from requestors for specific exemptions applied on the material responsive to the request. The Office of the Information Commissioner concluded that one of the complaints was well-founded and WD in consultation with the third party involved took remedial action and released further information. The other complaint is still under review with the Office of the Information Commissioner.



l) **Judicial Review**

In 2002-2003 WD received its first formal request for judicial review. Western Economic Diversification received a request under the *Access to Information Act* for records pertaining to the Canadian Museum for Human Rights. The proponent, the Asper Foundation Inc., objected to the disclosure of any of their information submitted to the Department and applied for a judicial review to the Federal Court of Canada in accordance with Section 44 of the Act. During the 2003-2004 fiscal year, they withdrew their application to the Federal Court of Canada and Western Economic Diversification negotiated with the Asper Foundation to release of the remaining documents in question.

WD is currently processing and working with Justice Canada in response to a second formal request for judicial review received this reporting period. Western Economic Diversification Canada received a request under the *Access to Information Act* for records pertaining to the 44 cases of minister approved write-offs totaling \$11,126,414 as reported in 2002-2003. One of the third parties involved, Washtronics Ltd. objected to the disclosure of any of their information submitted to the department and applied for a judicial review to the Federal Court of Canada in accordance with Section 44 of the Act. The case is currently under review before the Federal Court.

Report on the Privacy Act

During the period covered by this annual report, WD did not receive any requests under the *Privacy Act*.





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

Institution WESTERN ECONOMIC DIVERSIFICATION CANADA DIVERSIFICATION DE L'ÉCONOMIE DE L'OUEST CANADA				Reporting period Période visée par le rapport 4/1/2003 to/à 3/31/2004		
Source	Media Médias 9	Academia Secteur universitaire 0	Business Secteur commercial 9	Organization Organisme 48	Public 7	

**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	73
Outstanding from previous period En suspens depuis la période antérieure	2
TOTAL	75
Completed during reporting period Traitées pendant la période visée par le	68
Carried forward Reportées	7

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

1. All disclosed Communication totale	24	6. Unable to process Traitement impossible	22
2. Disclosed in part Communication partielle	16	7. Abandoned by applicant Abandon de la demande	5
3. Nothing disclosed (excluded) Aucune communication (exclusion)	0	8. Treated informally Traitement non officiel	0
4. Nothing disclosed (exempt) Aucune communication (exemption)	1	TOTAL	68
5. Transferred Transmission	0		

**III Exemptions invoked
Exemptions**

S. Art. 13(1)(a)	0	S. Art. 16(1)(a)	0	S. Art. 18(b)	1	S. Art. 21(1)(a)	5
(b)	0	(b)	0	(c)	0	(b)	5
(c)	1	(c)	0	(d)	0	(c)	1
(d)	0	(d)	0	S. Art. 19(1)	8	(d)	0
S. Art. 14	0	S. Art. 16(2)	0	S. Art. 20(1)(a)	2	S. Art. 22	0
S. 15(1) International rel. Art. Relations intern.	0	S. Art. 16(3)	0	(b)	9	S. Art. 23	1
Defence Défense	0	S. Art. 17	0	(c)	7	S. Art. 24	0
Subversive activities Activités subversives	0	S. Art. 18(a)	0	(d)	0	S. Art. 26	0

**IV Exclusions cited
Exclusions citées**

S. Art. 68(a)	1	S. Art. 69(1)(c)	0
(b)	1	(d)	1
(c)	1	(e)	1
S. Art. 69(1)(a)	3	(f)	0
(b)	0	(g)	6

**V Completion time
Délai de traitement**

30 days or under 30 jours ou moins	40
31 to 60 days De 31 à 60 jours	13
61 to 120 days De 61 à 120 jours	12
121 days or over 121 jours et plus	3

**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	2	7
Third party Tiers	1	7
TOTAL	4	14

**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	39
Examination Examen de l'original	0
Copies and examination Copies et examen	1

**IX Fees
Frais**

Net fees collected Frais nets perçus			
Application fees Frais de la demande	\$365,00	Preparation Préparation	\$0,00
Reproduction	\$390,00	Computer processing Traitement informatique	\$0,00
Searching Recherche	\$0,00	TOTAL	\$755,00
Fees waived Dispense de frais		No. of times Nombre de fois	\$
\$25.00 or under 25 \$ ou moins		34	\$262,60
Over \$25.00 De plus de 25 \$		1	\$34,00

**X Costs
Coûts**

Financial (all reasons) Financiers (raisons)		(\$000)
Salary Traitement		40,0
Administration (O and M) Administration (fonctionnement et maintien)		39,5
TOTAL		79,5
Person year utilization (all reasons) Années-personnes utilisées (raisons)		
Person year (decimal format) Années-personnes (nombre décimal)		0,85

RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution WESTERN ECONOMIC DIVERSIFICATION CANADA DIVERSIFICATION DE L'ÉCONOMIE DE L'OUEST CANADA	Reporting period / Période visée par le rapport 4/1/2003 to/à 3/31/2004
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I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection

Received during reporting period / Reçues pendant la période visée par le rapport	0
Outstanding from previous period / En suspens depuis la période antérieure	0
TOTAL	0
Completed during reporting period / Traitées pendant la période visée par le	0
Carried forward / Reportées	0

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

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

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	0
S. Art. 21	0
S. Art. 22(1)(a)	0
(b)	0
(c)	0
S. Art. 22(2)	0
S. Art. 23(a)	0
(b)	0
S. Art. 24	0
S. Art. 25	0
S. Art. 26	0
S. Art. 27	0
S. Art. 28	0

IV Exclusions cited / Exclusions citées

S. Art. 69(1)(a)	0
(b)	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	0
31 to 60 days / De 31 à 60 jours	0
61 to 120 days / De 61 à 120 jours	0
121 days or over / 121 jours ou plus	0

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Interference with operations / Interruption des opérations	0	0
Consultation	0	0
Translation / Traduction	0	0
TOTAL	0	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 consultation

Copies given / Copies de l'original	0
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		
Administration (O and M) / Administration (fonctionnement et maintien)		
TOTAL		
Person year utilization (all reasons) / Années-personnes utilisées (raisons)		
Person year (decimal format) / Années-personnes (nombre décimal)		