

National Energy
Board



Office national
de l'énergie

Annual Report Pursuant to Access to Information Act and Privacy Act

1 April 2000 - 31 March 2001

National Energy Board

Annual Report
Pursuant to the
Access to Information Act
and the Privacy Act

1 April 2000 - 31 March 2001

8 Her Majesty the Queen in Right of Canada 2001
as represented by the National Energy Board

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National Energy
Board



Office national
de l'énergie

Office of the Chairman

Bureau du Président

7 June 2001

The Honourable Ralph Goodale, P.C., M.P.
Minister of Natural Resources Canada
580 Booth Street
Ottawa, Ontario
K1A 0E4

Dear Minister:

In accordance with the provisions of Sections 72 of the *Access to Information Act* and the *Privacy Act*, I am pleased to submit the Annual Report of the National Energy Board on the administration of these Acts for the period 1 April 2000 to 31 March 2001.

Yours truly,

A handwritten signature in black ink, appearing to read 'K. Vollman'.

Kenneth W. Vollman
Chairman

Attachment

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TABLE OF CONTENTS

Page		
I	Access to Information	1
	Part A - Statistical Report	2
	Part B - Interpretation/Explanation	4
	Part C - Supporting Documentation	5
	Part D - Complaints & Investigations	7
	Part E - Appeals to the Federal Court	8
	Appendix I - Designation Order	9
	Appendix II - Amendment of Designation Order	10
II	Privacy	11
	Part A - Statistical Report	12
	Part B - Supporting Documentation	14
	Appendix I - Designation Order	15

I ACCESS TO INFORMATION

PART A

STATISTICAL REPORT

During the financial year 1 April 2000 to 31 March 2001, the National Energy Board (the Board) received eight requests for information under the *Access to Information Act*. Pertinent administrative information is provided in the Statistical Report on the next page.

Institution National Energy Board / Office national de l'énergie				Reporting period / Période visée par le rapport 2000 - 2001	
Source	Media / Médias	Academia / Secteur universitaire	Business / Secteur commercial	Organization / Organisme 5	Public 3

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	8
Outstanding from previous period / En suspens depuis la période antérieure	0
TOTAL	8
Completed during reporting period / Traitées pendant la période visées par le rapport	8
Carried forward / Reportées	0

II Disposition of requests completed / Disposition à l'égard des demandes traitées				
1.	All disclosed / Communication totale	4	6.	Unable to process / Traitement impossible
2.	Disclosed in part / Communication partielle	3	7.	Abandoned by applicant / Abandon de la demande
3.	Nothing disclosed (excluded) / Aucune communication (exclusion)		8.	Treated informally / Traitement non officiel
4.	Nothing disclosed (exempt) / Aucune communication (exemption)		TOTAL	
5.	Transferred / Transmission			

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

I Exclusions cited / V Exclusions citées		
S. Art. 68(a)		S. Art. 69(1)(c)
(b)		(d)
(c)		(e)
S. Art. 69(1)(a)		(f)
(b)		(g)

V Completion time / Délai de traitement	
30 days or under / 30 jours ou moins	
31 to 60 days / De 31 à 60 jours	
61 to 120 days / De 61 à 120 jours	
121 days or over / 121 jours ou plus	

V Extensions / I Prorogations des délais		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	1	
Consultation		
Third party / Tiers		
TOTAL		

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

VIII Method of access / Méthode de consultation	
Copies given / Copies de l'original	
Examination / Examen de l'original	
Copies and examination / Copies et examen	

I Fees / X Frais			
Net fees collected / Frais net perçus			
Application fees / Frais de la demande	15.00	Preparation / Préparation	
Reproduction		Computer processing / Traitement informatique	
Searching / Recherche		TOTAL	15.00
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		5	\$ 25.00
Over \$25.00 / De plus de 25 \$			\$

X Costs / Coûts	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$
Administration (O and M) / Administration (fonctionnement et maintien)	\$
TOTAL	\$
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	



PART B

INTERPRETATION/EXPLANATION

This Part provides a narrative explanation of some of the figures appearing on the Statistical Report (Part A). The item numbers which follow correspond to the numbers on the Statistical Report.

I Received During Reporting Period

During the reporting period, the Board received eight requests under the *Access to Information Act* and there were no requests outstanding from the previous reporting period.

II Disposition of Requests Completed

For three of the requests received during the reporting period, the Board disclosed only parts of the documents because the remainder were exempt under Sections 19(1), 21(1)(a) and 23 of the *Access to Information Act*. For one of the requests, the Board was asked to suspend the processing pending further instructions from the client, who subsequently abandoned the request. With respect to the remaining four requests, all documents requested were disclosed.

V Completion Time

Of the eight requests, seven were completed within the 30 days specified in the *Access to Information Act*, and for one request a 30 day extension was sought.

IX Fees

A total of \$15.00 was received for the requests submitted during the reporting period.

X Costs

The costs incurred for handling the requests and administrative matters dealing with Access to Information totalled approximately \$2 750 for 80 hours.

The Board estimates that 80 hours equates to 0.05 person year.

PART C

SUPPORTING DOCUMENTATION

I General

The Board is a regulatory tribunal and a court of record. All applications and other documents filed with the Board are public and are readily available for inspection. Since its inception, the Board has maintained its policy of providing information, a) wherever possible, b) on request, and c) promptly.

In addition to providing information on request, the Board has its own program of disseminating information on various aspects of its regulatory functions. This program includes the publication of Information Bulletins, 13 to date, news releases, 38 during the reporting period, an Annual Report, the latest covering calendar year 2000 and an Internet site www.neb-one.gc.ca and the Regulatory Agenda publication on a monthly basis.

The provision of information to the public is not new to the Board, and the Board encourages the public to request information informally rather than formally under auspices of the *Access to Information Act*. Although the proclamation of the *Access to Information Act* has had no impact on the standards that the Board has set for itself in its public relations, we have in place measures to administer the Act. These measures are described in the following sections.

II Organization of Access to Information Activities

Activities relating to the *Access to Information Act* are the responsibility of the Secretary of the Board, who has been designated as the Coordinator. He is assisted in his work by the Regulatory Administrator. In addition, one of the Board's Legal Counsel provides advice, as required.

III Implementation of the Access to Information Act

As previously mentioned, the proclamation of the *Access to Information Act* has had little impact on the Board's public relations program or the Board's policy on information dissemination. The only impact has been of an administrative nature: procedures are in place to deal with requests received, staff and management are aware of the requirements of the Act and of the Board's procedures, and one reading room has been designated.

IV Formal/Informal Interface

The Board receives an average of 450 requests for information each month. Approximately 25 percent of these requests are of a complex nature, requiring research and co-ordination with other business unit, and the average response time is five working days.

Neither the proclamation of the *Access to Information Act* nor the requests received under the Act have affected the number of informal requests received and disposed of by the Board.

V Institutional Policies

In view of the small number of Access to Information requests received to date, the Board has not had a need to formulate policies specifically dealing with the requirements of the *Access to Information Act* or its Regulations.

VI Delegation Instrument

The Secretary has been designated to exercise the powers and perform the duties and functions of the Chairman as head of a government institution under the Act, except for the power to refuse access to a record requested under the *Access to Information Act*.

A copy of the Designation Order and an Amendment to the Designation Order are attached as Appendix I and Appendix II, respectively.

PART D

COMPLAINTS & INVESTIGATIONS

The Board received notification of a complaint filed with the Office of the Information Commissioner regarding its handling of a request under the *Access to Information Act*. A review of the processing records was undertaken by an Investigator of the Information Commissioner's Office, who concluded that the Board's initial failure to release documents was not a deliberate attempt to circumvent the requester's rights. The investigator was satisfied that all records relevant to the request had been processed and recorded the complaint as resolved.

PART E

APPEALS TO THE FEDERAL COURT

A judicial review application was filed this year regarding a request completed in the last reporting year. In the course of preparing the record for the judicial review application as required by the Federal Court Rules, the Board determined that an irregularity in the processing of the request had occurred. Consequently, the original request was re-processed. The matter continues to be before the Federal Court.

In view of the identified irregularity, a review of the Board's administrative procedures for processing Access to Information requests was undertaken. Adjustments were made to existing procedures to ensure requests are processed in accordance with the applicable delegation documents and legislative authorities.

NATIONAL ENERGY BOARD



OFFICE NATIONAL DE L'ÉNERGIE

ACCESS TO INFORMATION ACT DESIGNATION ORDER

The Chairman of the National Energy Board, pursuant to Section 73 of the Access to Information Act* hereby designates the person holding the office of Secretary of the National Energy Board to exercise the powers and perform the duties and functions of the Chairman as head of a government institution under the Act save and except the power to refuse access to a record requested under the Act. Where the Secretary does not intend to give access to a record requested under the Act, he shall refer the request to the Standing Committee on Regulatory Process which Committee shall have the power to grant or refuse access to the record.

Dated at Ottawa this 16 day of March, 1983.

A handwritten signature in cursive script, appearing to read 'C.G. Edge', written over a horizontal line.

C.G. Edge
Chairman

* S.C. 1980-81-82 c. 111

National Energy Board



Office national de l'énergie

ACCESS TO INFORMATION ACT DESIGNATION AMENDMENT ORDER

The Acting Chairman of the National Energy Board, pursuant to Section 73 of the *Access to Information Act**, hereby amends the *Access to Information Act Designation Order* made on the 18th day of March 1983, at the City of Ottawa, in the Province of Ontario, by deleting the words "Standing Committee on Regulatory Process" in the text of the Order and substituting therefore the words "Executive Team".

Dated at the City of Calgary, in the Province of Alberta, this 27th day of May 1998.

A handwritten signature in cursive script, appearing to read "K. Vollman".

Kenneth W. Vollman
Acting Chairman

* Access to Information Act R.S.C. 1985, c A-1, s. 1.

II PRIVACY

PART A

STATISTICAL REPORT

During the financial year 1 April 2000 to 31 March 2001, the Board received no requests for information under the *Privacy Act*. Pertinent administrative information is provided in the Statistical Report on the next page.

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

II Disposition of request completed / Disposition à l'égard des demandes traitées	
1. All disclosed / Communication totale	
2. Disclosed in part / Communication partielle	
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	
4. Nothing disclosed (exempt) / Aucune communication (exemption)	
5. Unable to process / Traitement impossible	
6. Abandoned by applicant / Abandon de la demande	
7. Transferred / Transmission	
TOTAL	

III Exemptions invoked / Exceptions invoquées	
S. Art. 18(2)	
S. Art. 19(1)(a)	
(b)	
(c)	
(d)	
S. Art. 20	
S. Art. 21	
S. Art. 22(1)(a)	
(b)	
(c)	
S. Art. 22(2)	
S. Art. 23 (a)	
(b)	
S. Art. 24	
S. Art. 25	
S. Art. 26	
S. Art. 27	
S. Art. 28	

IV Exclusions cited / Exclusions citées	
S. Art. 69(1)(a)	
(b)	
S. Art. 70(1)(a)	
(b)	
(c)	
(d)	
(e)	
(f)	

V Completion time / Délai de traitement	
30 days or under / 30 jours ou moins	
31 to 60 days / De 31 à 60 jours	
61 to 120 days / De 61 à 120 jours	
121 days or over / 121 jours ou plus	

VI Extentions / 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		
Consultation		
Translation / Traduction		
TOTAL		

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

VIII Method of access / Méthode de consultation	
Copies given / Copies de l'original	
Examination / Examen de l'original	
Copies and examination / Copies et examen	

IX Corrections and notation / Corrections et mention	
Corrections requested / Corrections demandées	
Corrections made / Corrections effectuées	
Notation attached / Mention annexée	

X Costs / Coûts	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$
Administration (O and M) / Administration (fonctionnement et maintien)	\$
TOTAL	\$
Person year utilization (all rea Années-personnes utilisées (r	
Person year (decimal format) / Années-personnes (nombre décimal)	



PART B

SUPPORTING DOCUMENTATION

Activities relating to the *Privacy Act* are the responsibility of the Secretary of the Board, who has been designated as the Coordinator. He is assisted in his work by the Regulatory Administrator. In addition, one of the Board's Legal Counsel and a staff member of Personnel are available to provide advice, as required. All the individuals have other responsibilities in addition to those described above.

The Chairman of the Board also delegated to the Secretary the authority to exercise his powers and perform his duties and functions in relation to the *Privacy Act*. This procedure is cited in the Designation Order, a copy of which is attached as Appendix I.

The proclamation of the *Privacy Act* has required the Board to make the appropriate administrative arrangements to deal with requests received. The Board's staff are aware of the requirements of the *Privacy Act* and the procedures to follow in order to handle all requests appropriately.

NATIONAL ENERGY BOARD

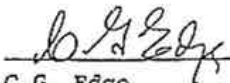


OFFICE NATIONAL DE L'ÉNERGIE

PRIVACY ACT DESIGNATION ORDER

The Chairman of the National Energy Board, pursuant to Section 73 of the Privacy Act*, hereby designates the person holding the office of Secretary of the National Energy Board to exercise the powers and perform the duties and functions of the Chairman as the head of a government institution under the Act.

Dated at Ottawa this 16 day of March, 1983.


C.G. Edge
Chairman

* S.C. 1980-81-82, c. 111