



Canada

Annual Report to Parliament

Access to Information Act and Privacy Act

for the period April 1, 2005 to March 31, 2006

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APPENDIX A – Statistical Report on the *Access to Information Act*

APPENDIX B – Statistical Report on the *Privacy Act*

1. SUMMARY

During the period, the number of *Access to Information Act* requests received, increased by six, from 80 requests in 2004/2005 to 86 requests in 2005/2006, an increase of 7.5 percent over the previous year. All the requests (100%) were completed within the legislated timeframe.

The number of pages reviewed for the purpose of responding to access to information requests decreased from 16,533 pages in 2004/2005 to 13,197 pages in 2005/2006.

Administration costs of this program increased from \$147,921 in 2004/2005 to \$159,349 in 2005/2006, an increase of under eight percent.

The number of *Privacy Act* requests received during the period has decreased from ten in the previous year to one during 2005/2006. Since the request was received at year-end, the records responsive to the request were being examined for disclosure at the close of the year.

2. ORGANIZATION

i) The National Capital Commission

The National Capital Commission (NCC) is a Crown corporation, which is governed by a national board of directors (the Commission). The reporting relationship to Parliament was changed during the year from the Minister of Canadian Heritage to the Minister of Transport, Infrastructure and Communities

The mandate of the NCC is to:

- plan and assist in the development, conservation and improvement of the National Capital Region (NCR) in order that the nature and character of the seat of the Government of Canada may be in accordance with its national significance; and
- organize, sponsor or promote such public activities and events in the NCR as will enrich the cultural and social fabric of Canada, taking into account the federal character of Canada, the equality of status of the official languages of Canada and the heritage of the people of Canada.

The NCC's powers include coordinating the policies and programs of the Government of Canada respecting the organization, sponsorship or promotion by departments of public activities and events and approving any change in the use of federal lands in the NCR.

ii) The Access to Information and Privacy Division

The Access to Information and Privacy Division is located in the Ombudsman and Corporate Secretariat Branch of the NCC. It is responsible for the administration of the Access to Information and Privacy (ATIP) programs for the corporation. The Chief of ATIP acts as the institutional Coordinator and is assisted by a Senior ATIP Analyst, plus additional support services.

The ATIP Division ensures that the NCC meets its legislated obligations in replying to requests with support from a network of ATIP Branch representatives in each of the ten program areas of the corporation.

3. TOPICS COMMON TO BOTH ACTS

i) Instrument of Delegation

The Chairman of the NCC is designated as Head of the institution by Order in Council for the purpose of administering the *Access to Information Act* and the *Privacy Act*.

The Chairman has delegated his authority under the *Access to Information Act* and the *Privacy Act* to key officials within the organization in accordance with section 73 of both acts. The Coordinator, ATIP has complete delegated authority.

ii) Training and Awareness

Training and awareness sessions were offered, in both official languages, during the period and requirements were identified for the coming year.

At a Labour Management Consultation Committee meeting during the year both parties received awareness training on the right of access to employee personal information in grievance proceedings.

4. ACCESS TO INFORMATION ACT

i) Access to information requests

In 2005/2006, the National Capital Commission received 86 new requests pursuant to the *Access to Information Act*. Eight requests were carried over from 2004/2005. All of the 83 requests were completed within the legislated timeframe. The remaining cases were carried forward to the following year.

i) Access to information requests (continued)

The number of *Access to Information Act* requests received, increased by six, from 80 requests in 2004/2005 to 86 requests in 2005/2006, an increase of 7.5 percent over the previous year.

Of the 86 requests received during the period, 40 were from members of the public, 27 from the media, 13 from organizations, four from the business sector and two from academia.

Requests were made to obtain records on topics such as Gatineau Park, Official Residences' expenses, LeBreton Flats, proceedings of Commission and Advisory Committee meetings and Board members' expenses, acquisitions and disposals, conservation officer powers and animal regulations, Canada and the World Pavilion, the Canadian War Museum, the Rideau Canal and Guinness World Record, Sparks Street, contracts and purchases, plans for the development and acquisition of the Scott Paper property, Winterlude 2005 and records relating to specific properties of the Corporation.

Of the 83 requests completed during the period, the information requested was released in whole in 29 instances while portions of records were exempted in 40 cases. Processing requests during the period involved a review of 13,197 pages of information as compared to 16,533 pages in 2004/2005.

In fulfilling its mandate, the NCC must work closely with other federal institutions, other levels of government in the region, as well as with the private sector. More than one quarter (28%), of the requests processed by the NCC involved consultations with third parties, other governments or other federal institutions. Often the deadline for responding to these requests must be extended beyond the initial 30-day limit, to undertake the necessary consultations. As well, the NCC replied to 19 of the 21 requests for consultations received from other institutions during the year. The remaining requests for consultation were carried forward at year end.

ii) Complaints

There was one complaint received during the year and investigation by the Office of the Information Commissioner was ongoing at the end of the year.

Investigations of two complaints by the Information Commissioner were completed during the year and both were not substantiated.

iii) Federal Court Case

There were no applications for judicial review during the reporting period.

iv) Fees

In total, \$405 in application fees, \$1,777.50 in search fees, \$55.00 in preparation fees and \$72.20 in reproduction fees were collected during the period.

v) Costs

The costs of administering the program within the NCC were \$157,035 in salaries and \$2,314 in other costs such as maintenance fees for the case file tracking system. The total cost of \$159,349 represents an increase of under eight percent over the previous year.

5. PRIVACY ACT

i) Privacy Act requests

The number of *Privacy Act* requests received during the period has decreased from ten in the previous year to one during 2005/2006. Since the request was received at year-end, the records responsive to the request were being examined for disclosure at the close of the year.

ii) Privacy Act complaints

Investigations of four complaints by the Privacy Commissioner relating to “use and disclosure” were completed during the year. No further action was required by the NCC as three complaints were discontinued and one was not substantiated.

iii) Privacy Act costs

Costs associated with the administration of the *Privacy Act* were related to processing requests and the provision of advice and guidance on matters relating to the collection, retention, use, disposal and disclosure of personal information. Costs of \$17,885 in salaries and administration represent a minor decrease over the \$18,282 spent in 2004/2005.

iv) Privacy Impact assessments

Since there were no new program or service initiative or any existing initiative undergoing service transformation or redesign, no privacy impact assessments were required to be conducted during the year.

v) Permissible disclosures

One public interest disclosure was the subject of notification to the Privacy Commissioner for which no further action was required by the NCC.