



Canada

## **Annual Report to Parliament**

***Access to Information Act and Privacy Act***

**for the period April 1, 2004 to March 31, 2005**

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**ANNEX A** – Statistical report on the *Access to Information Act*

**ANNEX B** – Statistical Report on the *Privacy Act*

## **1. SUMMARY**

During the period, the number of *Access to Information Act* requests received decreased by six, from 86 requests in 2003/2004 to 80 requests in 2004/2005, a decrease of seven percent over the previous year. The majority of requests (98.9%) were completed within the legislated timeframe.

The number of pages reviewed for the purpose of responding to access to information requests remained relatively stable going from 22,032 pages in 2003/2004 to 21,033 pages in 2004/2005 when counting the records under review in the year-end closing inventory.

Administration costs of this program increased from \$132,200 in 2003/2004 to \$147,921 in 2004/2005, an increase of 12 percent.

The number of *Privacy Act* requests received and completed during the period has increased from seven in the previous year to ten during 2004/2005. All of the ten requests were completed within the legislated timeframe.

## **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) and reports to Parliament through the Minister of Canadian Heritage.

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**

Two training and awareness sessions were delivered, in both official languages, to 28 NCC employees who attended during the period.

## **4. ACCESS TO INFORMATION ACT**

### **i) Access to information requests**

In 2004/2005, the National Capital Commission received 80 new requests pursuant to the *Access to Information Act*. Twenty-one requests were carried over from 2003/2004.

The number of *Access to Information Act* requests received decreased by six, from 86 requests in 2003/2004 to 80 requests in 2004/2005, a decrease of seven percent over the previous year.

Of the 80 requests received during the period, 44 were from members of the public, 26 from the media, eight from organizations, one from academia and one from the business sector.

**i) Access to information requests (continued)**

Requests were made to obtain records on topics such as Gatineau Park, Official Residences' expenses, LeBreton Flats, proceedings of Commission meetings and Board members' expenses, Sparks Street revitalization, contracts and purchases, plans for the development and acquisition of the Scott Paper property, and records relating to specific properties of the Corporation.

Of the 92 requests completed during the period, the information requested was released in whole in 35 instances while portions of records were exempted in 38 cases. Processing requests during the period involved a review of 21,033 pages of information as compared to 22,032 pages in 2003/2004.

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 third (38%), 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 15 requests for consultations from other institutions during the year.

**ii) Complaints**

There were two complaints received during the year and five outstanding from the previous year.

Five investigations were completed by the Office of the Information Commissioner. Two complaints about delays were resolved. Two complaints relating to missing records were resolved. One complaint relating to missing records was resolved as not substantiated.

Two complaint investigations by the Office of the Information Commissioner were ongoing at the end of the year.

**iii) Federal Court Case**

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

**iv) Fees**

In total, \$410 in application fees, \$645 in search fees, \$100 in preparation fees and \$890 in reproduction fees were collected during the period.

**v) Costs**

The costs of administering the program within the NCC were \$145,507 in salaries and \$2,414 in other costs such as maintenance fees for the case file tracking system. The total cost of \$147,921 represents an increase of 12 percent over the previous year.

**5. PRIVACY ACT**

**i) Privacy Act requests**

The number of *Privacy Act* requests received and completed during the period has increased from seven in 2003/2004 to ten during 2004/2005. All of the ten requests were completed within the legislated timeframe.

**ii) Privacy Act complaints**

There were four complaints received during the year relating to use and disclosure which were under investigation by the Office of the Privacy Commissioner at year-end.

**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 \$18,282 in salaries and administration represent a significant decrease over the \$41,900 spent in 2003/2004.

**iv) Privacy Act 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.