

NATIONAL CAPITAL COMMISSION

Access to Information Act and Privacy Act

Annual Report 2001–2002



National Capital Commission
Commission de la capitale nationale

Canada

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1. 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 National Capital Region 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 related to the NCR, and approving any design of buildings on federal lands and any change in the use of public land in the NCR.

ii) The Access and Security of Information Section

The Access and Security of Information (ASI) Section is responsible for the administration of the following programs within the NCC: the *Access to Information Act* (ATI), the *Privacy Act* and the Information Security Policy. This Section consists of the Chief of ASI, who acts as the Access to Information and Privacy (ATIP) Coordinator, and one Officer.

2. DELEGATION INSTRUMENT

The Chairman of the National Capital Commission was, by Order-in-Council, declared Head of this institution 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 officers in accordance with section 73 of these Acts. The ATIP Coordinator has full delegation of authority.

3. ACCESS TO INFORMATION ACT

i) Access to Information Requests

In 2001/2002, the National Capital Commission received seventy-six (76) new requests under the *Access to Information Act*. Three (3) requests were also carried over from 2000/2001.

Of the seventy-six (76) new requests, three (3) were from the business sector, eighteen (18) from the media, two (2) from organizations, two (2) from academia and fifty-one (51) were from members of the public.

Requests were submitted to obtain information on topics such as Official Residences Expenditures, Minutes of the Committees Meetings, various Contracts & Leases, Environmental Assessment Studies, Sussex-Mackenzie Project (Daly Site), NCC Property Acquisitions and Disposals, LeBreton Flats, Parliamentary Precinct, Government Conference Centre, Opening NCC Business & Committees, Chairman's Expense Account, Salary Ranges & Benefits for Senior NCC Executives, Commemorations, Correspondence between NCC & the Prime Minister's Office, etc.

Of the sixty-five (65) formal requests completed, the requested information was released in whole in eighteen (18) cases while exemptions were applied in thirty-two (32) cases. Five (5) requests were treated informally and there were no records relevant to the request in four (4) cases. Responses to formal ATI requests involved the page-by-page review of 8,487 pages.

Given its mandate, the Commission must work closely with federal departments, other levels of government in the region as well as with the private sector. Therefore, the vast majority of requests processed by the NCC involve consultations with third parties, other governments or with other federal departments and the deadline to respond to these requests must be extended, beyond the initial 30-day limit, to undertake the necessary consultations.

During this same period, the Section also responded to nine (9) informal requests (not processed under the ATI Act) and sixteen (16) consultations from other departments, regarding ATI requests they received involving NCC records. The informal requests and the consultations involved a review of over 750 pages.

Upon completion of an ATI request, copies of the records released are placed in the NCC public Library where they can be readily available for other interested parties. This practice has been in place since 1996.

ii) Complaints

Of the four (4) complaints that were still under investigation by the Office of the Information Commissioner at the end of March 2001, one (1) was resolved during this fiscal year and three (3) were withdrawn by the applicant. One (1) new complaint was filed in 2001/2002 regarding exemptions applied and it was found not substantiated.

iii) Court Cases

The case which was brought before the Federal Court last year, by a third party who disagreed with the decision of the NCC to release some information related to a sponsorship agreement, will be heard on June 17, 2002.

iv) Fees

A total of \$345 was collected in application fees and \$74.40 in reproduction fees. Reproduction fees were waived in forty-four (44) cases, for a total of \$624.60, almost exclusively because there were less than 125 pages taken by the applicant.

v) Costs

The costs of administering the program within the NCC this year were \$113,060 in salaries and \$1,504 in other costs (such as courier services, maintenance fees for the ATIP tracking system, etc.).

4. PRIVACY ACT

i) Privacy Requests

In 2001/2002, the Commission received one (1) request under the *Privacy Act*.

ii) Complaints

There were no complaints filed with the Privacy Commissioner during this period.

iii) Costs

The costs of administering the program this year consist of \$ 17,818 in salaries.

5. TRAINING – Access to Information and Privacy

This year, the ASI Section offered awareness sessions on Access to Information and Privacy as part of the NCC Middle Management Orientation Program. In addition, the ASI Section provided, on a regular basis, advice and guidance to employees and managers on the requirements of the Access to Information and Privacy Acts. Both the ATIP Coordinator and Officer attended various seminars to keep up-to-date on various issues pertaining to Access to Information and Privacy.