



Canada

## **Annual Report to Parliament**

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

**for the period April 1, 2003 to March 31, 2004**

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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 11, from 97 requests in 2002/2003 to 86 requests in 2003/2004, a decrease of 11% over the previous year. The majority of requests (95%) were completed within the legislated timeframe.

The number of pages reviewed for the purpose of responding to access to information requests increased by 5% from 20,971 pages in 2002/2003 to 22,032 pages in 2003/2004.

Administration costs of this program also increased from \$125,379 in 2002/2003 to \$132,200 in 2003/2004, an increase of eight percent.

The number of *Privacy Act* requests received and completed during the period has increased from none in the previous year to seven during 2003-2004. All of the seven requests, which necessitated a review of more than 75,000 paper and electronic records, 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 also 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 has been relocated from the Corporate Information Management Services Branch of the NCC to the Ombudsman and Corporate Secretary Branch. 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 developed and delivered, in both official languages, to 34 NCC employees who attended during the period. Also, specific learning sessions were developed and delivered to specifically targeted groups such as human resource professionals, information management service centre coordinators and Branch ATIP representatives. This represents an additional 39 employees to receive ATIP training.

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

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

In 2003/2004, the National Capital Commission received 86 new requests pursuant to the *Access to Information Act*. Eleven requests were carried over from 2002/2003.

The number of *Access to Information Act* requests received decreased by 11, from 97 requests in 2002/2003 to 86 requests in 2003/2004, a decrease of 11% over the previous year.

Of the 86 requests received during the period, 42 were from members of the public, 37 from the media, four from organizations and three from the business sector.

Requests were made to obtain records on topics such as Gatineau Park, Official Residences' expenses, the Sussex-MacKenzie-Daly site, LeBreton Flats, the Mackenzie King Estate Access Road, proceedings of Commission meetings, the Moffatt Farm property, Sparks Street revitalization, the Chairman's expenses, contracts and purchases, the Champlain Bridge reconstruction, the regulations on domestic animals on NCC-managed lands, rental property expenses, financial sponsorship assistance received, public transportation, inter provincial bridges and records relating to specific properties of the Corporation.

Of the 76 requests completed during the period, the information requested was released in whole in 26 instances while portions of records were exempted in 37 cases. Responses to requests involved a review of 22,032 pages of information as compared to 20,971 pages in 2002/2003, an increase of five percent.

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. Nearly half (45%), 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 20 requests for consultations from other institutions during the year.

##### **ii) Complaints**

There were nine complaints received during the year and five outstanding from the previous year. Five complaints were filed by one requester and they were resolved as a result of remedial action taken by the corporation. Two complaints relating to extensions of time taken to respond to two requests were resolved as not substantiated. Two complaints relating to fees assessed were resolved as not substantiated.

Five complaint investigations by the Office of the Information of Canada 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 \$415 of application fees, \$600 of search fees and \$224.80 of reproduction fees were collected during the period.

**v) Costs**

The costs of administering the program within the NCC were \$126,700 in salaries and \$5,500 in other costs such as courier services and maintenance fees for the case file tracking system. The total cost of \$132,200 represents an increase of eight percent over the previous year.

**5. PRIVACY ACT**

The number of *Privacy Act* requests received and completed during the period has increased from none in 2002-2003 to seven during 2003-2004. All of the seven requests, which necessitated a review of more than 75,000 paper and electronic records, were completed within the legislated timeframe.

There were no complaints received during the year.

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 \$41,900 in salaries and administration represent a significant increase over the \$9,645 spent in 2002/2003.