

Citizenship and Immigration Canada

Status report on access requests in a deemed-refusal situation

1. BACKGROUND

Every department reviewed has been assessed against the following grading standard:

% of Deemed Refusals	Comment	Grade
0-5%	Ideal compliance	A
5-10%	Substantial compliance	B
10-15%	Borderline compliance	C
15-20%	Below standard compliance	D
More than 20%	Red alert	F

This report reviews Citizenship and Immigration Canada's (CIC) progress to attain ideal compliance with the time requirements of the *Access to Information Act*, since the previous report. In addition, this report contains information on the status of the recommendations made in the Status Report of January 2005.

2. COMPLIANCE HISTORY

In early 1999, the Office of the Information Commissioner issued a Report Card on the department's compliance with the statutory time requirements of the *Access to Information Act*. In the 1999 Report Card, the department received a red alert grade of "F" with a 48.9% request to deemed-refusal ratio.

In January 2000, the Office of the Information Commissioner reviewed the status of the recommendations made in the Report Card and made further recommendations for measures to reduce the number of access requests in a deemed-refusal situation. From April 1 to November 30, 1999, the deemed-refusal ratio for access requests improved to 23.4%, still a grade of "F".

In January 2001, the Commissioner's Office review reported that the department had set an objective in 2000-2001 of completing 70% of access requests within the timelines of the Act. The view of the Office of the Information Commissioner was that the objective fell short of what was needed to comply with the time requirements of the Act. The actual performance of the department for 2000-2001 was a 19.6% new request to deemed-refusal ratio resulting in a grade of "D", denoting a below standard performance.

In January 2002, the Commissioner's Office issued another Status Report and recommendations. For the period of April 1 to November 30, 2001, the new request to deemed-refusal ratio was reduced to 13%, denoting a grade of "C". The momentum was sustained for the full fiscal year of 2001-2002, achieving a grade of "C" with a new request to deemed-refusal ratio of 12%.

The January 2003 review reported that CIC had joined a select group of departments who have achieved a grade of “A” that denoted ideal compliance with the statutory time requirements of the *Access to Information Act*. For the period from April 1 to November 30, 2002, the new request to deemed-refusal ratio was 3.8%, with the ratio slipping only marginally to 4.9% for the full fiscal year, still a grade of “A”. This constituted a significant achievement by CIC departmental staff and management in dealing with the access request process. The department was highly commended for its efforts and encouraged to maintain this performance.

In the Status Report of 2004, it was reported that, although CIC had made steady progress in reducing the number of access requests in a deemed- refusal situation, the department slipped considerably in its performance for the period April 1 to November 30, 2003. CIC’s deemed refusal to requests received ratio was 15.4% for a grade of “D”, reflecting below standard performance.

In the 2005 Report Card, the department received a substantial compliance grade of “C” with a 13.8% request to deemed-refusal ratio for requests received from April 1 to November 30, 2004. This was the first year that requests carried over from the previous year, and the number of requests already in a deemed-refusal status on April 1, were taken into consideration.

For fiscal year 2004-2005, CIC received a grade of “ F “, with a 20.2% request to deemed-refusal ratio.

3. CURRENT STATUS

For this reporting period, requests carried over from the previous year, and the number of requests already in a deemed-refusal status on April 1, were also taken into consideration. As a result, for the reporting period April 1 to November 30 2005, the department’s request to deemed-refusal ratio was 15.3%, a grade of “D”.

During the reporting period, CIC received 6,811 requests. This is 774 more than the previous year. Also, complexity and sensitivity of the requests were factors in the time taken to process requests.

CIC started the year with 1,732 pending access requests with 579 or 33% in a deemed-refusal situation. Many of the pending requests belonged to one requester. The inventory of requests from that requester has now been eliminated.

With 9,034 new access requests received in fiscal year 2004-2005 and 6,811 new access requests received in the first nine months of 2005-2006, a trend of a continuing backlog of access requests in a deemed-refusal situation at the start of the year represents a burden to the ATIP Division. This backlog constitutes a serious problem that must be dealt with to comply with the time requirements of the *Access to Information Act*.

The actual grade of CIC is deceiving considering that CIC undertook the following initiatives last year to gain efficiencies and/or improve client service under the *Access to Information Act*:

- Development of an internet site to assist the public obtain forms and information about ATIP at CIC;
- Creation of an internal website to assist CIC employees in the processing of ATIP requests;
- Changes to the delegation of authority to gain efficiencies and reduce bottlenecks in the Public Rights Administration Division (PRAD);
- Distribution of promotional messages, workshops, training courses and awareness sessions to increase the awareness and understanding of ATIP across the department. PRAD delivered seven training sessions in the regions and at National Headquarters. Two branch-specific information sessions were also given. In addition, PRAD presented the basics of ATIP at all “Welcome to CIC” courses given by the department;
- Changes to processes and procedures to gain efficiencies in processing (particularly with respect to the use of technology);
- Development of a partnership with Information Management Branch to increase awareness of information management across the department and its relation to ATIP;
- The Public Rights Administration Division (PRAD) has finalized an ATIP Coordinator’s manual to assist NHQ and regional coordinators in the exercise of their function. A list of responsibilities for NHQ ATIP coordinators was also created, distributed, and posted on PRAD’s intranet site. Information and Q&As are being regularly circulated to ATIP coordinators and posted on PRAD’s intranet site;
- A comprehensive review of ATIP processes across the department, of resourcing, and the organizational structure of PRAD was completed. As a result of this review, changes to the processes have been undertaken;
- An action plan was developed and approved in 2005.

4. RECOMMENDATIONS

Because of the factors described in this report, CIC was not able to achieve ideal compliance with the time requirements of the *Access to Information Act*.

Recommendation #1

That CIC attain ideal compliance and a grade of “A” by March 31, 2007.

Additional resources will permit CIC to eliminate backlog. Further, to improve the efficiency of the ATIP processing, CIC has undertaken an extensive revision of business practices which is being reflected in new, formalized ATIP procedures.

5. STATUS OF 2005 RECOMMENDATIONS

The following recommendations were made to support CIC’s continuing efforts to process requests within the time requirements of the *Access to Information Act*:

Previous Recommendation #1

CIC commit to attaining substantial compliance with the time requirements of the *Access to Information Act* for 2005-2006.

Action Taken: CIC continues to make adjustments to processes and to analyze the situation with a view to improving its compliance rate. Overtime continues to be used to meet deadline pressures. The turnover of employees and the temporary nature of the opportunities offered in PRAD was a source of concern that has been addressed this year, through the provision of more permanent funding.

Previous Recommendation #2

The ATIP Division prepare and present a business plan to Senior Management in order to obtain the resources needed to eventually attain ideal compliance with the time requirements of the *Access to Information Act*.

Action Taken: PRAD’s Director made a presentation on ATIP issues to the Executive Committee in February 2005. As a result of this, permanent resources were obtained to staff 40 positions permanently (up from 21).

Previous Recommendation #3

The ATIP Division's processing manual be placed on CIC's Intranet site during the fiscal year 2005-2006.

Action Taken: The Coordinator's processing manual has been completed and posted in the intranet site.

6. QUESTIONNAIRE AND STATISTICAL REPORT

Questionnaire for Statistical Analysis Purposes in relation to official requests made under the <i>Access to Information Act</i>			
Requests carried over from the prior fiscal period.		Apr. 1/04 to Mar. 31/05	Apr. 1/05 to Nov. 30/05
1.	Number of requests carried over:	1350	1732
2.	Requests carried over from the prior fiscal — in a deemed refusal situation on the first day of the new fiscal:	286	579
New Requests — Exclude requests included in Part A.		Apr. 1/04 to Mar. 31/05	Apr. 1/05 to Nov. 30/05
3.	Number of requests received during the fiscal period:	9034	6811
4.A	How many were processed within the 30-day statutory time limit?	5596	5156
4.B	How many were processed beyond the 30-day statutory time limit where no extension was claimed?	1004	461
4.C	How long after the statutory time limit did it take to respond where no extension was claimed?		
	1-30 days:	832	289
	31-60 days:	104	98
	61-90 days:	22	30
	Over 91 days:	46	44
5.	How many were extended pursuant to section 9?	1341	628
6.A	How many were processed within the extended time limit?	807	389
6.B	How many exceeded the extended time limit?	233	61
6.C	How long after the expiry of the extended deadline did it take to respond?		
	1-30 days:	118	33
	31-60 days:	56	16
	61-90 days:	14	5
	Over 91 days:	45	7
7.	As of November 30, 2005, how many requests are in a deemed-refusal situation?	203	