

# **Fisheries and Oceans Canada**

## **Status report on access requests in a deemed-refusal situation**

### **1. BACKGROUND**

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

<b>% of Deemed Refusals</b>	<b>Comment</b>	<b>Grade</b>
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 Fisheries and Oceans Canada's (F&O) progress to obtain 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 the 2003 Report Card, it was reported that F&O had achieved a very significant turnaround in its performance results for access requests in a deemed-refusal situation. For the period from April 1 to November 30, 2002, a grade of "A" was achieved and that constituted ideal compliance with the time requirements of the *Access to Information Act*. It was further confirmed that this level of compliance was maintained to the end of the fiscal year. This is in stark contrast to previous years ("F" grades for both the 2001 and 2002 Report Cards).

In the 2004 Status Report, it was noted that F&O continued to maintain this remarkable turnaround by attaining ideal compliance with the time requirements of the *Access to Information Act*. The department achieved a 1.9% deemed-refusal ratio for the period from April 1 to November 30, 2003, for a grade of "A".

In the 2005 Report Card, F&O received a ideal compliance grade of "B" with a 5.2% 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, F&O received a grade of "C", with a 11.7% 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, F&O's request to deemed-refusal ratio was 12.7%, a grade of "C".

A total of 304 requests were received during the period April 1 to November 30, 2005, compared to 307 requests received in the same time period last year. 120 requests were carried into the period April 1 to November 30, 2005, with 29 or 24% in a deemed-refusal situation.

With 481 new access requests received in fiscal year 2004-2005 and 304 new access requests received in the first nine months of fiscal year 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*.

### 4. RECOMMENDATIONS

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

#### ***Recommendation #1***

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**F&O strive to attain ideal compliance with the time requirements of the *Access to Information Act* by March 31, 2007.**

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In order to achieve this, F&O should proceed to full staffing in the ATIP Division. At the present time, 18 of the 25 positions are staffed.

#### ***Recommendation #2***

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**The ATIP Division produce a monthly report that provides the ATIP Division and Senior Management at F&O with information on how well timelines are met when responding to access requests.**

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The reports will provide Senior Management and the ATIP Division with information needed to gauge overall F&O compliance with the Act's and F&O's time requirements for processing access requests.

## 5. STATUS OF 2005 RECOMMENDATIONS

The following recommendations were made to support F&O's continuing efforts to process requests within the time requirements of the *Access to Information Act*:

### *Previous Recommendation #1*

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**F&O strive to attain ideal compliance with the time requirements of the *Access to Information Act* for 2005-2006, as it did in the last report.**

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**Action Taken:** Although F&O did not attain ideal compliance, borderline compliance was maintained for this year. In the continuing effort towards an ideal compliance rating, F&O has initiated a number of staffing actions to fill vacant positions within the unit. The unit also continues in its efforts to raise awareness across the department as to the roles and responsibilities of departmental staff vis-à-vis the legislation, through the provision of awareness sessions.

## 6. QUESTIONNAIRE AND STATISTICAL REPORT

<b>Questionnaire for Statistical Analysis Purposes in relation to official requests made under the <i>Access to Information Act</i></b>			
<b>Part A: Requests carried over from the prior fiscal period.</b>		<b>Apr. 1/04 to Mar. 31/05</b>	<b>Apr. 1/05 to Nov. 30/05</b>
<b>1.</b>	Number of requests carried over:	99	120
<b>2.</b>	Requests carried over from the prior fiscal — in a deemed refusal situation on the first day of the new fiscal:	6	29
<b>Part B: New Requests — Exclude requests included in Part A.</b>		<b>Apr. 1/04 to Mar. 31/05</b>	<b>Apr. 1/05 to Nov. 30/05</b>
<b>3.</b>	Number of requests received during the fiscal period:	481	304
<b>4.A</b>	How many were processed within the 30-day statutory time limit?	256	161
<b>4.B</b>	How many were processed beyond the 30-day statutory time limit where no extension was claimed?	18	11
<b>4.C</b>	How long after the statutory time limit did it take to respond where no extension was claimed?		
	1-30 days:	13	9
	31-60 days:	2	2
	61-90 days:	1	0
	Over 91 days:	2	0
<b>5.</b>	How many were extended pursuant to section 9?	181	102
<b>6.A</b>	How many were processed within the extended time limit?	81	45
<b>6.B</b>	How many exceeded the extended time limit?	15	6
<b>6.C</b>	How long after the expiry of the extended deadline did it take to respond?		
	1-30 days:	10	0
	31-60 days:	1	6
	61-90 days:	2	0
	Over 91 days:	2	0
<b>7.</b>	As of November 30, 2005, how many requests are in a deemed-refusal situation?	<b>8</b>	