Library and Archives Canada
Status report on the 2005 report card

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 Library and Archives Canada's (LAC) 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 2004 Report Card, LAC received a red alert grade of "F" with a 61% new request to deemed-refusal ratio for requests received from April 1 to November 30, 2003.

In the 2005 Report Card, LAC received a red alert grade of "F" with a 70% 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.

Both of these grades represent the worst performance by an institution since the Office of the Information Commissioner instituted Report Cards.

For the full 2004-2005 fiscal year, LAC received a grade of "F", with a 64.8% 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, LAC's request to deemed-refusal ratio was 55.5%, a grade of "F".

During the reporting period, LAC received 501 requests. This is 110 more than the previous year.

Although it is apparent that LAC has received again an "F" on its Status Report this year, much progress has been made to improve situation.

In September 2004, LAC put in place an internal Access to Government Information Services Task Force. The spring 2005 Report of the Task Force included recommendations to directly address the backlog, but also to avoid similar backlogs from materializing in the future.

The most important action that the department took in response to the Task Force recommendations was to directly address the ATIP backlog and commit to its elimination in 2005-2006. The first steps were taken in January 2005, based on the draft of the Task Force recommendations, when LAC Management Board approved $250,000 in additional resources until March 31, 2005, for a first "blitz" to reduce the backlog.

In May 2005, LAC's Senior Management approved an additional $600,000 for the second wave of the blitz with the goal of eliminating the backlog by October 31, 2005. During the period from April 1 to November 30, 2005, LAC completed 2,009 formal and informal ATI requests, and released 1,158,960 of 1,351,589 pages reviewed. LAC has committed itself to effectively eliminate all backlogged requests by March 31, 2006.

4.   RECOMMENDATIONS

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

Recommendation #1

That LAC attain ideal compliance and a grade of "A" by March 31, 2007.

The additional resources will permit LAC to eliminate backlog. Further, to improve efficiency of the ATIP processing, LAC has undertaken an extensive revision of business practices which are being reflected in new, formalized ATIP procedures. As well, LAC conducted an initial study into the improvement of access-related information provided by departments and agencies when they transfer records and documents to LAC. This will enable LAC to review access requests for archival material more efficiently and faster, based on better information provided by the departments who initially created the records. Additionally, with respect to records already held by LAC, the department developed criteria for "block reviews", which could make available many thousands of records at a time to the public without a further time-consuming page-by-page review.

Recommendation #2

LAC address the staffing shortfall of the ATIP Directorate with a view to increase resources as required.

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5. STATUS OF 2005 RECOMMENDATIONS

The Information Commissioner made 22 recommendations last year in order to assist LAC in compliance to the requirements of the *Access to Information Act*.

LAC agrees with all of the 22 recommendations and is well advanced in implementing them.

To highlight a number of specific actions taken, LAC has put in place an ongoing triage process to effectively and efficiently manage the informal requests for government archival material in response to Recommendation 1.5. Through this process, LAC can usually review and release government information related to these requests very quickly.

A second practice that LAC instituted in 2005 was to improve communications with clients, as per Recommendation 1.9, by regularly posting data on LAC's website and in the reference room on the progress made in addressing the backlog. As well, LAC has put in place a practice of sending a letter to a requester when the request is overdue, so the client is aware of where LAC is at with the request, as well as what is the best estimate for completing the request. LAC is also communicating better with the requesters when the request first arrives, to ensure that the request is clear and well scoped out. This improved communication not only helps to manage client expectations, but builds stronger, on-going relationships between the staff and repeat clients.

A part of moving forward and ensuring a backlog does not happen again was a review of all the procedures in the ATIP division. This process re-engineering exercise was undertaken with the involvement of all of the division's staff, so it also proved to be a valuable team-building exercise. The result of the review is a set of efficient procedures that all of the staff agree to and support, available in a single, unified procedures manual as per Recommendation 4.4. This new manual, will be an on-line, interactive reference tool for staff. The manual will also serve as a training tool for new staff joining the division. The manual will reflect the actions taken and implemented with respect to Recommendations 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.11, 4.5 and 4.7.

In particular, the procedures manual will codify how, on a consistent basis, the ATIP division manages extensions of time beyond the 30-day limit as provided for in the legislation, and the process of consultations where required. Since LAC's ATIP division is primarily reviewing records that were created by other federal institutions, consultation is very often required. The new procedures put in place will require staff to take

extensions required for consultations as soon as possible after the receipt of the request. Better management of extensions and consultations have already shown improvements in turnaround times.

The Information Commissioner also made the recommendation that LAC's ATIP Division develop and implement an Access to Information Training Plan (recommendation 4.6), LAC agrees strongly with this recommendation. In the fall of 2005, all the staff in the division received some formal training in ATIP. As well, LAC will soon begin to work on detailed training plans for each of the positions that are based on the new procedures manual. This training will be supplemented by training on ATIP*Flow* and ATIP*Image* for all the staff.

Of all of the recommendations made last year two of these recommendations were intended to reduce backlog. These are:

Previous Recommendation # 2.1

The ATIP Division produce a monthly report that provides the ATIP Division and Senior Management at LAC with information on how well timelines are met when responding to access requests. The reports will provide senior management and the ATIP Division with information needed to gauge overall LAC compliance with the Act and LAC's time requirements for processing access requests.

Action Taken: In September 2004, an internal access to government information services task force was put in place. The team continues to meet with LAC's two Assistant Deputy Ministers every two weeks to insure that Senior Management is monitoring progress and can address any issues and obstacles to the team's work. Also, weekly reports are produced to Senior Management to provide information progress in eliminating backlog.

Previous Recommendation # 2.2

LAC should come into substantial compliance with the Act's deadlines no later than March 31, 2006.

Action Taken: LAC believes that it will have effectively eliminated all backlog by March 31, 2006, with only a small number of very large requests still outstanding at that point in time.

6. QUESTIONNAIRE AND STATISTICAL REPORT

Questionnaire for Statistical Analysis Purposes in relation to official requests made under the *Access to Information Act*			
Part A: 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:	323	169
2.	Requests carried over from the prior fiscal - in a deemed refusal situation on the first day of the new fiscal:	250	135
Part B: 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:	629	501
4.A	How many were processed within the 30-day statutory time limit?	242	137
4.B	How many were processed beyond the 30-day statutory time limit where no extension was claimed?	226	165
4.C	How long after the statutory time limit did it take to respond where no extension was claimed?		
	1-30 days:	64	61
	31-60 days:	42	43
	61-90 days:	14	24
	Over 91 days:	106	37
5.	How many were extended pursuant to section 9?	28	52
6.A	How many were processed within the extended time limit?	10	17
6.B	How many exceeded the extended time limit?	6	7
6.C	How long after the expiry of the extended deadline did it take to respond?		
	1-30 days:	3	5
	31-60 days:	2	0
	61-90 days:	0	0
	Over 91 days:	1	2
7.	As of November 30, 2005, how many requests are in a deemed-refusal situation?	**65**	

EXCERPT FROM ASSISTANT DEPUTY MINISTER'S RESPONSE TO STATUS REPORT

"The large backlog in Access to Information requests became apparent to LAC senior management during 2004. In September 2004, we put in place an internal Access to Government Information Services Task Force. The Spring 2005 Report of the Task Force included recommendations to directly address the backlog, but also to avoid similar backlogs from materializing in the future.

…The most important action that the department took in response to the Task Force recommendations was to directly address the ATIP backlog and commit to its elimination in 2005-06. The first steps were taken in January 2005, based on the draft of the Task Force recommendations, when LAC management Board approved $250,000 in additional resources until March 31st, 2005 for a first "blitz" to reduce the backlog. This blitz succeeded in reducing the number of overdue access requests by some 450 out of approximately 1000 in total.

…In May 2005, LAC's senior management approved an additional $600,000 for the second wave of the blitz with the goal of eliminating the backlog by October 31, 2005.

…As of January, 31st 2006, the total number of overdue access requests was 66.

…We believe that we will have effectively eliminated the entire 66 request backlog by March 31, 2006 with only a small number of very large requests still outstanding at that point in time.

…Part of moving forward and ensuring a backlog does not happen again was a review of all the procedures in the ATIP division. This process re-engineering exercise was undertaken with the involvement of all of the division's staff, so it also proved to be a valuable team-building exercise. The result of the review is a set of efficient procedures that all of the staff agree to and support, available in one single unified procedures manual…

…2005-06 saw much progress and renewal in LAC's ATIP program. By March 31st, 2006, we will have managed to almost completely eliminate our backlog in ATIP requests and we will be well on our way to building sustainability for the long-term."