



Information Commissioner of Canada

Access to Information Act

**Report Card
on the Performance of**

Agriculture and Agri-Food Canada

February 2005

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OVERVIEW

As part of the proactive mandate of the Commissioner's Office, each year a department (or departments) is selected for review and a Report Card is completed. The review is conducted to determine the extent to which the department is meeting its responsibilities under the *Access to Information Act*.

Agriculture and Agri-Food Canada administers the *Access to Information Act* through the Access to Information and Privacy (ATIP) Office. The Manager of the Office reports to the ATIP Coordinator who is the Director, Ethics and Values. The Manager and Coordinator have limited delegated authority from the Head of the institution to make only certain administrative decisions under the Act.

A critical component of the administration of the *Access to Information Act* is the leadership role of the Access to Information Coordinator and senior management in a department. Senior management exercises leadership by identifying access to information as a departmental priority and then acting upon this by providing the appropriate resources, technology and policies. Together with the Access to Information Coordinator, it is important for senior management to create a culture of openness and access to departmental information. The Access to Information Coordinator is the departmental champion of access to information.

This Report Card identified a serious and persistent deemed-refusal situation that the recently appointed ATIP Manager and ATIP Coordinator have started to address. Senior management may not be fully aware of the extent of the deemed-refusal situation because there is no routine reporting on whether or not various departmental functions responsible for processing access requests are meeting their response-time obligations. Part of the deemed refusal situation may be attributed to the numerous organizational and numerous managerial changes the ATIP Office has undergone, resulting in a loss of overall control of the access request processing environment. Both the ATIP Coordinator and ATIP Manager have made considerable efforts to initiate improvements to deal with the situation.

This Report Card makes a number of recommendations for access to information (ATI) operations in Agriculture and Agri-Food Canada. Of particular note, an essential component in the administrative framework to support the operation of the *Access to Information Act* is the development of an ATI Improvement and Operational Plan for the ATIP Office. The Plan would establish priorities, tasks and resources, deliverables, milestones, timeframes and responsibilities. The Plan can be used as an operational framework to manage improvements, guide day-to-day activities and manage the implementation of recommendations in this Report Card that are accepted by the department. The Plan is also a method of engaging and obtaining senior management support for departmental improvements in ATI activities. Other recommendations focus on the need to have up-to-date comprehensive documentation in place to promote consistent decision-making by individuals with responsibilities in the operations

supporting the *Access to Information Act*. These individuals require ATI training to support the fulfillment of their responsibilities.

Table 1: The Grading System Used for this Report Card

Overall Grade	Overall ATI Operations
A = Ideal	<ul style="list-style-type: none"> • All policies, procedures, operational plan, training plan, staffing in place • Evidence of senior management support including an ATI Vision • Streamlined approval process with authority delegated to ATIP Coordinator • 5% or less deemed refusals
B = Substantial	<ul style="list-style-type: none"> • Minor deficiencies to the ideal that can easily be rectified • 10% or less deemed refusals
C = Borderline	<ul style="list-style-type: none"> • Deficiencies to be dealt with
D = Below Standard	<ul style="list-style-type: none"> • Major deficiencies to be dealt with
F = Red Alert	<ul style="list-style-type: none"> • So many major deficiencies that a significant departmental effort is required to deal with their resolution or many major persistent deficiencies that have not been dealt with over the years

On this grading scale, Agriculture and Agri-Food Canada rates an “F”. Its overall performance is Red Alert.

BACKGROUND & GLOSSARY OF TERMS

As part of the proactive mandate of the Commissioner's Office, each year a department (or departments) is selected for review and a Report Card is completed. The review is conducted to determine the extent to which the department is meeting its responsibilities under the *Access to Information Act*. The responsibilities and requirements can be set out in the Act or its *Regulations* such as the timelines required to respond to an access request. Or the responsibilities may emanate from Treasury Board of Canada Secretariat or departmental policies, procedures or other documentation in place to support the access to information process.

Fundamental to the access to information regime are the principles set out in the Purposes section of the *Access to Information Act*. These principles are:

- Government information should be available to the public
- Necessary exemptions to the right of access should be limited and specific
- Decisions on the disclosure of government information should be reviewed independently of government.

Previous Report Cards issued since 1999 focused on the deemed refusal of access requests, the situations that may have led to the deemed refusals and recommendations for eventually eliminating the problem. In 2005, the scope of the Report Cards was broadened. The scope of the Report Cards now seeks to capture an extensive array of data and statistical information to determine how an ATI Office and a department are supporting their responsibilities under the Act. Where the Commissioner's Office identifies activities during the Report Card review that would enhance the access to information process in a department, a recommendation is made in the Report Card.

Agriculture and Agri-Food Canada administers the *Access to Information Act* through the Access to Information and Privacy (ATIP) Office. The Manager of the Office reports to the Director, Ethics and Values. The Director is designated as the Access to Information Coordinator. Neither the Coordinator nor Manager has delegated authority from the Head of the institution to make decisions under the Act with the exception of certain administrative decisions.

As part of the preparation of this Report Card, the Manager, ATIP Office was interviewed on January 31, 2005. A second meeting was held with the Director, Ethics and Values on February 2, 2005. In addition, 15 access request files completed during the first nine months of fiscal year (FY) 2004/2005 were selected at random and reviewed on February 1 and 2, 2005.

The ATIP Manager submitted the Report Card Questionnaire included at the end of this Report Card to the Office of the Information Commissioner. The Questionnaire provides

statistical and other information on the administration of the *Access to Information Act* in the department.

A Glossary of Terms for this Report Card is presented in Table 2.

Table 2: Glossary of Terms

Term	Definition
ATI Coordinator (or ATIP Director or Coordinator)	Each institution is required, by Treasury Board policy, to designate an official known as the Access to Information Coordinator. The Access to Information Coordinator is responsible for receiving access requests. Coordinators may also be delegated authority, from the Heads of institutions, to levy fees, claim extensions, give notices and invoke exemptions. The scope of a Coordinator's authority varies from institution to institution.
Complaint Findings	<p>The following categories are used by the Office of the Information Commissioner to identify the outcome of a complaint made to the Office under the <i>Access to Information Act</i>:</p> <ul style="list-style-type: none"> <li data-bbox="586 1052 1377 1199">➤ Well-founded Complaints well-founded but not resolved, where the Commissioner sought consent from the requester to pursue the matters in Federal Court. <li data-bbox="586 1209 1377 1314">➤ Resolved Well-founded complaints resolved by remedial action satisfactory to the Commissioner. <li data-bbox="586 1335 1377 1398">➤ Not Substantiated Complaints considered not to be well founded. <li data-bbox="586 1419 1377 1524">➤ Discontinued Complaints discontinued, on request from the complainant, prior to a final resolution of the case.
Deemed Refusal	<p>The <i>Access to Information Act</i> describes a deemed refusal as follows:</p> <p>10. (3) Where the head of a government institution fails to give access to a record requested under this Act or a part thereof within the time limits set out in this Act, the head of the institution shall, for the purposes of this Act, be deemed to have refused to give access.</p>

Term	Definition
Extension	<p>Extensions to the initial 30-day time period to respond to an access request can be made in the following circumstances as described in the <i>Access to Information Act</i>:</p> <p>9(1) The head of a government institution may extend the time limit set out in section 7 or subsection 8(1) in respect of a request under this Act for a reasonable period of time, having regard to the circumstances, if:</p> <ul style="list-style-type: none"> (a) the request is for a large number of records or necessitates a search through a large number of records and meeting the original time limit would unreasonably interfere with the operations of the government institution, (b) consultations are necessary to comply with the request that cannot reasonably be completed within the original time limit, or (c) notice of the request is given pursuant to subsection 27(1) by giving notice of the extension and, in the circumstances set out in paragraph (a) or (b), the length of the extension, to the person who made the request within thirty days after the request is received, which notice shall contain a statement that the person has a right to make a complaint to the Information Commissioner about the extension.
Notice of Extension to Information Commissioner	<p>The <i>Access to Information Act</i> requires a notice to the Information Commissioner for extensions taken in excess of thirty days.</p>
OPI	<p>Office of primary interest or the location in a department responsible for the subject matter to which the access request relates.</p>

Term	Definition
Pending	<p>Unfinished requests or complaints:</p> <ul style="list-style-type: none"> <li data-bbox="539 373 1372 590">➤ Pending Previous Requests or complaints that were unfinished at the close of the previous fiscal year, and thus carried forward into the reporting period (the fiscal period indicated on the pie chart). <li data-bbox="539 604 1372 785">➤ Pending at year-end Requests or complaints that are unfinished at the end of the reporting period (the subject fiscal year), which will be carried into the next fiscal period.
Third Party	<p>For purposes of the <i>Access to Information Act</i>, any person, group of persons or organization other than the person that made an access request or a government institution.</p>
Treasury Board Guidelines	<p>The <i>Access to Information Act</i> is based on the premise that the Head of each government institution is responsible for ensuring that their institution complies with the Act, and for making any required decisions. There is also provision for a designated Minister to undertake the government-wide co-ordination of the administration of the Act. The President of the Treasury Board fulfils this role.</p> <p>One of the statutory responsibilities of the designated Minister is to prepare and distribute to government institutions directives and guidelines concerning the operation of the <i>Access to Information Act</i> and <i>Regulations</i>.</p>

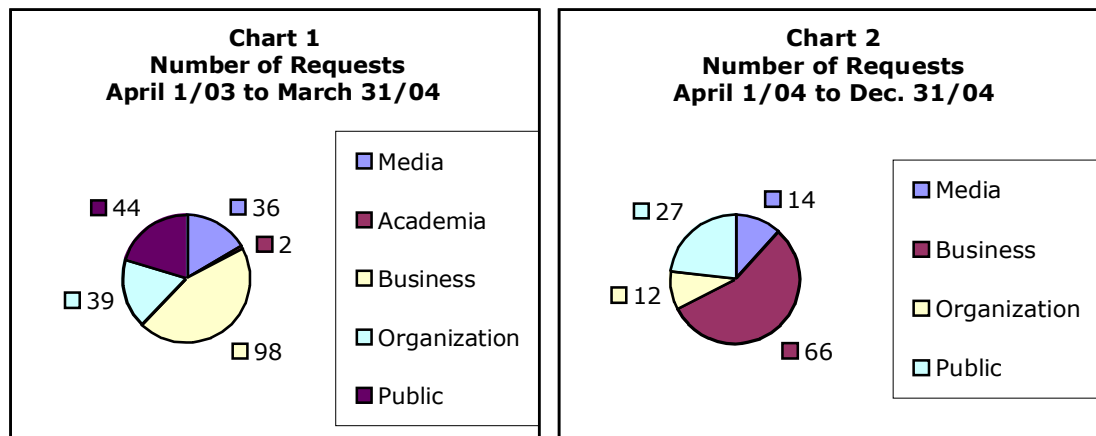
CHAPTER 1: THE ACCESS REQUEST PROCESS

The *Access to Information Act* provides a processing framework for access requests. Any member of the public who is a Canadian citizen or a permanent resident can make an access request. The Act provides a department with certain processing timelines and allows for extensions under certain circumstances to the initial 30-day time limit to respond to an access request. A request may be transferred and third parties may be consulted when an access request covers information affecting a third party. When records contain information that is exempt from disclosure or excluded from the Act, a department may deny that information to a requester.

The Client

Requesters are categorized for statistical purposes. Government and departments use the statistics for various analysis purposes including the identification of trends. The number of requesters by category for Agriculture and Agri-Food Canada is illustrated in Charts 1 and 2.

Charts 1 and 2: Number of Requesters by Category



Agriculture and Agri-Food Canada flags access requests that are considered “high visibility”. The Agriculture and Agri-Food Canada ATIP Office does not have a definition of what is considered to be high visibility. Flagging the access request as high visibility is at the discretion of the office of primary interest (OPI), based on the subject matter and source category of the request. When an access request is flagged as high visibility, in addition to the usual approvals, the approval of the Assistant Deputy Minister of the Sector and the Assistant Deputy Minister of Corporate Services is required. If multiple Sectors are involved, the Assistant Deputy Ministers will all take part in the approval process.

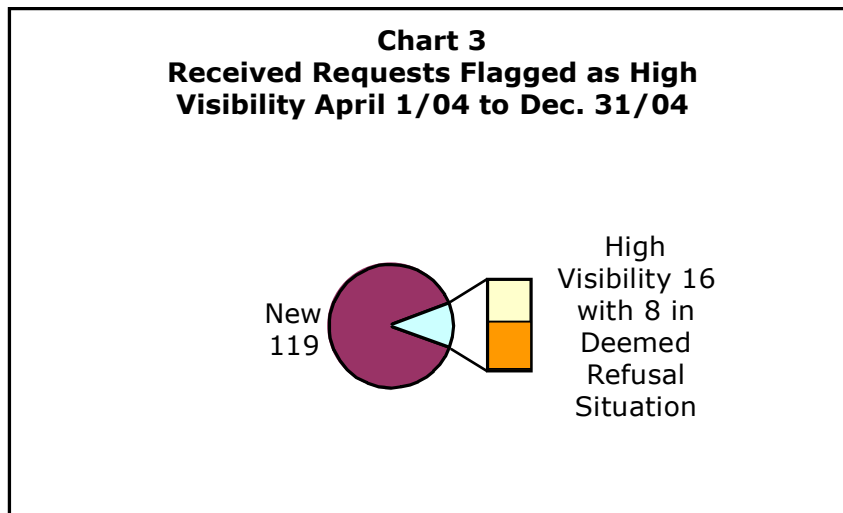
In FY 2003/2004, 19 of 200 or 9.5% of completed access requests were flagged as high visibility. In the first 9 months of FY 2004/2005, 16 of 119 or 16% of access requests

received were flagged as high visibility. Of the 16 access requests, their status breaks down as follows:

Status	Number
Abandoned	1
Transferred	1
Still Open (deemed-refusal situation)	5
Completed on Time	6
Completed in a Deemed Refusal Situation	3

The ATIP Manager was not able to have information generated from *ATIPflow* on whether or not high visibility access requests are processed disproportionately outside of the statutory timeframes of the *Access to Information Act*. From the data on Chart 3, an access request flagged as high visibility has a 50% chance of resulting in a deemed refusal situation, whereas other access requests have only an 8% chance.

Chart 3: High Visibility Access Requests



Recommendation 1.1: The reason(s) for flagging an access request as high visibility be documented.

Request Clarification

The number of access requests that required clarification in FY 2003/2004 was 21 or 10% of the access requests received. In the first nine months of FY 2005/2005, 13 or 12% of the access requests received required clarification. The ATIP Office does not always confirm in writing with the requester the clarified access request. There are no criteria for seeking clarification for an access request.

Recommendation 1.2: The ATIP Office always confirm in writing with a requester the clarification of an access request.

Recommendation 1.3: The ATIP Office document criteria for seeking clarification of an access request.

Pages Reviewed

The number of pages reviewed for access requests completed in FY 2003/2004 was 42,670 or an average of 195 pages per request. Of the total number of pages reviewed, 29,024 pages or 68% were disclosed in total or in part to the requester. In the first nine months of FY 2004/2005, 20,919 pages or an average of 176 pages per request were reviewed. Of the total number of pages reviewed, 9,328 or 46% were disclosed in total or in part to the requester.

Section 31 of the *Access to Information Act* requires that a complaint to the Office of the Information Commissioner must be made within one year of the date of the receipt of the access request. The ATIP Office does not notify the requester of this requirement.

Recommendation 1.4: The ATIP Office notify a requester of the limitation of the right to complain when an access request is almost one year old.

Fees Collected

In FY 2003/2004, the ATIP Office collected \$1,642.00 in fees for processing access requests. In the first nine months of FY 2004/2005, \$1,061.80 was collected.

Although the department does not have a fee waiver policy, fees of \$2,784.40 were waived in FY 2003/2004, and fees of \$3,068.80 were waived in the first nine months of FY 2004/2005.

Recommendation 1.5: The ATIP Office develop a fee waiver policy for access requests.

Request Disposition

The ATIP Office reported a relatively high number of access requests that were either abandoned by the requester or the Office was unable to process. In FY 2003/2004, the disposition of 23% of the access requests processed was either “abandoned by the requester” or “unable to process”. In the first 9 months of FY 2004/2005, the percentage increased to 26%. The ATIP Manager stated that the high number of requests in the unable to process category reflects access requests received where records did not exist in response to the access request. The ATIP Office will confirm with the requester that an access request will be treated as abandoned or unable to process. Because there are no documented criteria on when to categorize a request as either abandoned or unable to process, ATIP Officers may not be consistent in their categorization of the request.

Recommendation 1.6: The ATIP Office document the criteria for categorizing an access request as abandoned or unable to process.

When an access request is to be treated informally, the requester is consulted. There are currently no documented criteria to consider for treating an access request informally.

Recommendation 1.7: The ATIP Office document criteria to consider for treating an access request informally.

Time to Process Requests

The *Access to Information Act* allows 30 calendar days without an extension for departments to process an access request. Departments will usually have a request processing model that allocates a portion of the 30 days to each departmental function that has a role in responding to access requests. An ATIP Office can then analyze the actual time taken by departmental functions against allocated time to determine if where and/or what improvements might be required when actual time exceeds allocated time.

The Agriculture and Agri-Food Canada ATIP Office has a request processing model that is based on 21 working days. The ATIP Office was not able to use *ATIPflow* to produce comprehensive data on the average number of days to complete each departmental function’s role in the access request process.

Table 3: The Agriculture and Agri-Food Canada Request Processing Model

Processing Model - Stages	Days Allocated
ATI intake	1
OPI search	8

Processing Model - Stages	Days Allocated
Records review and preparation	4 Total (3 for Review & 1 for Preparation)
Legal	N/A
Communications	N/A
Approval or otherwise – OPI	5
Approval or otherwise – DMO	2
Approval or otherwise - MO	N/A
ATI release	1

Recommendation 1.8: The ATIP Office produce a weekly report that provides information on access requests that are required to be completed at each stage in the request processing model in order to proactively manage the deemed-refusal situation.

The request processing model allows up to 9 of 21 days for reviews or up to 43% of the access request processing time. For files flagged high visibility the reviews are at five levels: OPI (Branch Head), Director General, Assistant Deputy Minister for the Sector(s), ATIP Coordinator and Assistant Deputy Minister for Corporate Services. For a routine access request there are three levels of review: OPI (Branch Head), Director General and ATIP Coordinator.

The Delegation Order was approved by a former Minister on July 22, 1987. A revision was drafted in 1997 but never approved. The Delegation Order is out of date in that some positions with delegated authority no longer exist. The delegation approach is to provide program management with the authority to make the non-administrative decisions under the Act while leaving the administrative decisions to the Chief, ATIP (a position that no longer exists). Decisions under the *Access to Information Act* should be made by those individuals who have the requisite knowledge to make the decisions. In many departments, all non-administrative decisions are delegated to the ATI Coordinator who has the necessary skill base to make the decisions. Administrative decisions are also delegated to the ATI Coordinator, including some to senior ATI Advisers. This does not mean that the decision-maker will not consult with OPIs and senior management where appropriate.

The current approval process and the Delegation Order are both viewed as major contributors to the serious deemed-refusal situation in the department.

Recommendation 1.9: The Delegation Order for Agriculture and Agri-Food Canada be amended to provide delegated authority under the *Access to Information Act* to individuals with the necessary knowledge to make the decisions required.

The approval process, particularly with access requests tagged as high visibility, contains layers of sign-offs that can only add unnecessary delays to the processing of access requests. A review of 15 completed access request files for the first nine months of FY2004/2005 illustrated many cases of the approval process delaying the response to an access request. As an example, in one case, the approval process took from October 18th to November 30th.

When there is a need to keep program and senior management staff aware of issues, this communications or issue management process should be completed in parallel with the processing of access requests. The approval process should reflect a value added approach for processing. Numerous review stages in the process only serve to delay the release of information to a requester.

Recommendation 1.10: Agriculture and Agri-Food Canada streamline the access request processing model to eliminate review stages that do not add value to the process.

Extensions Profile

Section 9(1) of the *Access to Information Act* provides circumstances when the initial thirty-day response time to an access request may be extended. These circumstances are:

- The request is for a large number of records or necessitates a search through a large number of records and meeting the original time limit would unreasonably interfere with the operations of the government institution;
- Consultations are necessary to comply with the request that cannot reasonably be completed within the original time limit;
- Notice of the request is given pursuant to subsection 27(1) [to a third party who may have an interest in the disclosure of a record or part of a record].

The Agriculture and Agri-Food Canada ATIP Office almost always sends the notice of the extension to the requester within the initial 30-day response time and, where required, always sends a copy of the notice to the Office of the Information Commissioner. When it is unlikely that an extended date will be met, the requester will rarely be contacted.

Recommendation 1.11: If an extended date will not be met, the ATI office should routinely contact the requester to indicate it will be late, to provide an expected response date and of the right to complain to the Information Commissioner. This will not impact the deemed refusal status once the extension date is missed. However, it will alleviate some of the requester's frustration and perhaps avert a complaint.

Agriculture and Agri-Food Canada did not take any time extensions for volume of records for completed access requests in FY 2003/2004, and for the first nine months of FY 2004/2005.

In FY 2003/2004, Agriculture and Agri-food Canada extended the original 30-day time limit for consultation with another institution, domestic or foreign government or individual 35 times. In the first nine months of FY 2004/2005, extensions were taken 10 times to consult with another institution, domestic or foreign government or individual and three times to consult with the Privy Council Office.

A review of 15 randomly selected access request files completed between April 1 and December 31, 2004, indicated that consultations with other departments take considerably longer than planned, resulting in deemed-refusal situations.

Recommendation 1.12: The ATIP Office conduct an analysis of the completed access requests for FY 2003/2004 and FY 2004/2005 to determine the reasons for missed extension dates and develop a plan to resolve the situation.

When a third party has to be consulted, the ATIP Office will almost always follow the third-party procedure set out in section 28 of the *Access to Information Act*. A copy of the Notice of the consultation is always sent to the Office of the Information Commissioner. In FY 2003/2004, for completed access requests, 35 third parties were consulted. During the first nine months of FY 2004/2005, for completed access requests, 10 third parties were consulted.

The third-party timing process as set out in section 28 of the *Access to Information Act* was not observed. This is partially due to a lack of control in tracking access requests due dates, proceeding with decisions after the due dates whether or not representations were received and lack of follow-up with third parties. The department rarely provides a partial release of records that are not involved in the consultation process. In a review of the 15 completed files for the first nine months of FY 2004/2005, it appeared that the department merely followed the representations of third parties on the non-disclosure of records. There was no documentation to indicate that the department made its own assessment of whether or not the third party exemption applied to records.

Recommendation 1.13: The ATIP Office use *ATIPflow* to track and control and maintain the time requirements set out in section 28 of the *Access to Information Act*.

Recommendation 1.14: When a third party who has been given an appropriate opportunity to make representations under section 28 of the *Access to Information Act* and does not respond, the department conform to the overall thirty-day time requirement to make a decision on access to the records.

Recommendation 1.15: The ATIP Office make their own assessment of whether or not third party representations about the non-disclosure of information applies to the records.

Recommendation 1.16: Where consultations are undertaken under paragraphs 9(1)(b) and 9(1)(c) of the *Access to Information Act*, the department provide a partial release where appropriate to records not subject to the consultation.

Transfer Profile

In FY 2003/2004, 8 access requests were transferred to other institutions. In the first nine months of FY 2004/2005, four access requests were transferred to other institutions. All transfers with one exception occurred as required within 15 days of the receipt of the access request.

Claims for Exemptions

The ATIP Office stated that the Office or OPIs document the rationale for claiming an exemption in the access request file. The rationale for claiming the exemption is prepared by OPIs in their area of expertise. The ATIP staff will prepare a rationale if one is not provided by the OPI or if more detail is required. There is no documented requirement to place the rationale for exercising a discretionary exemption on file.

A random group of 15 completed access request files closed between April 1 and December 31, 2004, were reviewed. The review indicated generally that:

- The rationale for claiming exemptions was not documented where the rationale was not obvious from the information;
- There was no documentation to indicate whether or not the department exercised discretion in deciding whether to claim a discretionary exemption;

- In cases where there was a mandatory exemption, there was no documentation to determine if the department took into account an exception that could lead to the disclosure of the information.

Recommendation 1.17: The ATIP Office institute requirements for documenting the rationale for claiming all exemptions, unless the rationale is obvious, for the exercise of discretion and for the consideration of exceptions to mandatory exemptions.

CHAPTER 2: DEEMED REFUSALS

Since Canadians have a right to timely access to information (i.e. 30 days or within extended times under specified conditions), a delayed response is equivalent to a denied response. Parliament articulated this “timeliness” requirement in subsection 10(3) of the *Access to Information Act*, which states:

Where the Head of a government institution fails to give access to a record requested under this Act or a part thereof within the time limits set out in this Act, the head of the institution shall, for the purposes of this Act, be deemed to have refused to give access.

As a result, the Information Commissioner has adopted the following standard as being the best measure of a department’s compliance with response deadlines: percentage of requests received which end as deemed refusals.

Table 4: Deemed refusals

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

In FY 2003/2004, the department received 219 new access requests. Of the completed requests received in FY 2003/2004, 19 were completed in a deemed-refusal situation, while a further 13 were carried over to the next FY in a deemed-refusal situation. The deemed-refusal ratio including access requests carried over at the start of FY 2003/2004 was 247:42 or 17%, resulting in a “D” on the grading scale.

For the first nine months of FY 2004/2005, the department received 119 new access requests. By December 31, 2004, for access requests received in the first nine months, nine access requests were completed in a deemed-refusal situation with a further 10 access requests uncompleted but in a deemed-refusal situation. The deemed-refusal ratio including access requests carried over at the start of FY 2004/2005 was 146:32 or 22% resulting in an “F” on the grading scale.

Both the ATIP Coordinator’s and ATIP Manager’s views are that the deemed-refusal backlog is related to past issues that are starting to be dealt with, including a lack sufficient ATIP staff relative to the access request processing volume. Both the Coordinator and Manager were recently appointed to their positions and are involved in a number of activities to reduce the deemed-refusal situation.

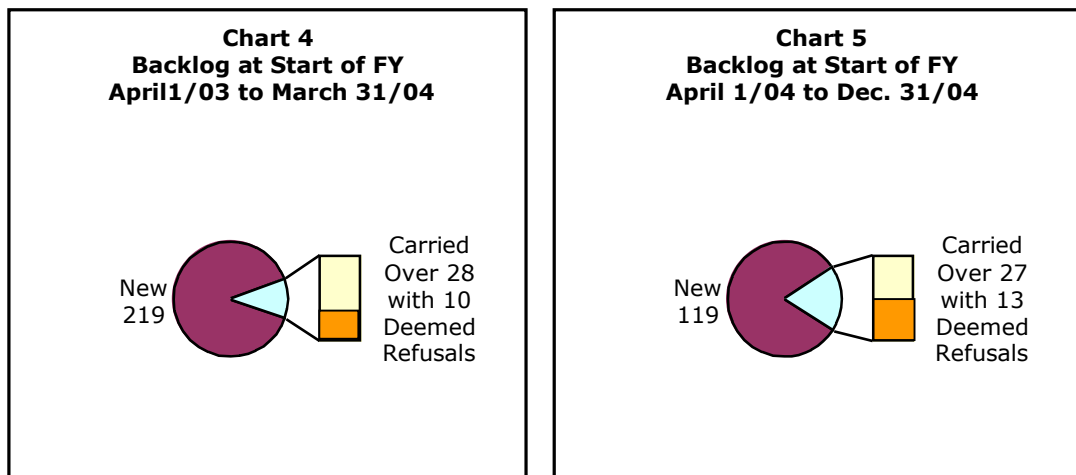
This Report Card has made a number of recommendations that would also serve to reduce the deemed-refusal situation. Among those recommendations, it is essential to streamline the approval and review process and to delegate decision-making to those individuals who are knowledgeable about the specifics of the *Access to Information Act*.

The department may also want to review the use of contractors for specific short-term assignments. While the use of contractors for the long term is not seen as an appropriate value for money, short-term use may assist in reducing a backlog of access requests.

It was not possible to obtain data from *ATIPflow* that would illustrate how programs of the department were fulfilling their obligations for adhering to access request timelines.

A random review of 15 files indicated that there may be a delay problem when consultations are required and the time to respond to the request is extended under section 9 of the *Access to Information Act*.

The following Charts illustrate the backlog of access requests in a deemed-refusal situation at the start of each fiscal year.



For FY 2003/2004, Agriculture and Agri-Food Canada started the year with 28 pending access requests with 10 or 35.7% in a deemed-refusal situation. For the first nine months of FY 2004/2005, the year started with 27 pending access requests with 13 or 48.1% in a deemed-refusal situation.

With 219 new requests received in FY 2003/2004, and 119 new access requests received in the first nine months of FY 2004/2005, 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 Office. This backlog constitutes a serious problem that must be dealt with to comply with the time requirements of the *Access to Information Act*.

Recommendation 2.1: The ATIP Office produce a monthly report that provides the ATIP Office and Senior Management at Agriculture and Agri-Food Canada with information on how well timelines are met when responding to access requests. The reports will provide senior management, OPIs and the ATIP Office with information needed to gauge overall departmental compliance with the Act's and department's time requirements for processing access requests.

Recommendation 2.2: The ATIP Coordinator should be directed by the Minister, in writing, through the Delegation Order to exercise the delegation to answer requests within deadlines whether or not the review process has been completed.

Recommendation 2.3: Agriculture and Agri-Food Canada should come into substantial compliance with the Act's deadlines no later than March 31, 2006.

CHAPTER 3: RESOURCE PROFILE

Employee Profile

The processing of access requests is the responsibility of the ATIP Office under the direction of the ATIP Manager. The ATIP Manager reports to the ATIP Coordinator who is the Director, Ethics and Values. The Office is also responsible for processing requests under the *Privacy Act*.

The staff of the ATIP Office allocated to ATI and all other activities is comprised of four full-time positions, including the Manager. There are no support staff. The ATIP Coordinator and Manager are both of the view that the number of staff is not sufficient to meet the ATI processing needs of the department. While staffing adjustments are planned, these adjustments have not been implemented. There is no documentation to review that sets out a case for specific additional resources (although it is obvious that additional resources are required).

Budget

The salary budget used for FY 2003/2004 for the all components of the ATIP Office was \$306,206 for 5.8 person years. The salary budget used for 2002/2003 was \$221,672 for a utilization of 4.2 person years. The FY 2001/2002 budget used was \$202,843 for 3.9 person years.

The ATI operating budget used for FY 2003/2004 was \$144,849. The ATI operating budget used for FY 2002/2003 was \$85,815.

The portion of the budget used for ATI staff training in FY 2003/2004 was \$6,812. In FY 2002/2003, the budget used for ATI staff training was \$59,575.

<p>Recommendation 3.1: As part of an ATI Improvement and Operational Plan, the ATIP Coordinator identify and document the need and rationale for additional resources for the ATI function in the ATIP Office at Agriculture and Agri-Food Canada.</p>

CHAPTER 4: LEADERSHIP FRAMEWORK

A critical component of the administration of the *Access to Information Act* is the leadership role of the ATI Coordinator and senior management in a department. Senior management exercises leadership by identifying access to information as a departmental priority and then acting upon this by providing the appropriate resources, technology and policies. Together with the ATI Coordinator, it is important for senior management to create a culture of openness and access to departmental information. The Access to Information Coordinator is the departmental champion of access to information. In this respect, the Coordinator and staff provide the skilled policy and procedural leadership and training for the access process to work effectively in a department.

Agriculture and Agri-Food Canada does not have in place a departmental access to information vision nor an operational plan for the ATIP Office. Each would serve as a basis for planning and operating the ATIP Office. Support of an access to information vision by senior management and communication of that vision to departmental employees would demonstrate a commitment to a culture of access to information.

One of the reasons for the backlog of access requests and the deemed-refusal situation at Agriculture and Agri-Food Canada ATIP Office was, and is, a lack of resources needed to process access requests. The Manager, ATIP Office, and the Director, Values and Ethics, are arranging for additional resources. What is needed is an ATI Improvement and Operational Plan. The Plan should include priorities, tasks and resources, deliverables, milestones, timeframes and responsibilities. The Plan should be monitored by the Senior Management Committee of the department.

Recommendation 4.1: Senior management initiate the development of an access to information vision that can be communicated to departmental employees.

Recommendation 4.2: The ATIP Office develop an ATI Improvement and Operational Plan to support the departmental access to information vision.

There are varied reasons why delays occur in responding to access requests within the timeframes established by the *Access to Information Act*. Some of these reasons dealing with the approval process and the Delegation Order are dealt with in other sections of this Report Card.

All of the participants in the access process have a responsibility to perform their function in the access process within the allocated time. When information is not available to inform participants about their performance, it is difficult to take remedial action to make improvements. Without factual information on performance, it is also difficult to engage senior management in measures to resolve the delay problem. Ideally, each step in the

access process that has been allocated time and each participant in that step should be the recipient of routine performance reporting. Senior management should also be informed through periodic reporting of the progress in reducing the number of requests in a deemed-refusal situation. To maintain effective oversight of the access process, senior management should receive routine reports on the status of requests, including adherence to the statutory timelines.

Recommendation 4.3: The ATIP Office provide reports from *ATIPflow* to senior management and OPIs that measure performance in meeting time commitments in the access process.

The ATIP Office does not have either an ATIP Advisor's Manual or an OPI User's Guide for ATIP staff or OPI staff who are processing access requests. An ATIP Advisor's Manual could be used by new advisers for an introduction to the ATIP Office policies and procedures for processing access requests. It would also promote a consistent interpretation by all advisers of access request processing matters. An OPI User's Guide on the application of the *Access to Information Act* can be used to define the responsibilities of OPIs and provide them with the information needed to fulfill those responsibilities.

Recommendation 4.4: The ATIP Office develop an Advisor's Manual on the policies and procedures for processing access requests.

Recommendation 4.5: The ATIP Office develop an OPI Users Guide on the application of the *Access to Information Act*.

A review of 15 completed access requests from the first nine months of FY 2004/2005 found that the documentation was insufficient in a number of areas such as the following:

- It is important that access request processing provide a documented trail of the decisions made in responding to an access request. This means that, when an exemption is invoked, the rationale for claiming the exemption is documented. Merely citing a section of the *Access to Information Act* will not suffice. The file review found many instances where rationale for the claim of an exemption was not documented.
- Discretionary exemptions are claimed at the discretion of the individual with the appropriate delegated authority. To support the decision-maker, criteria should be developed to consider whether or not to claim the discretionary exemption. The ATIP Office did not have documented criteria to take into consideration for exercising discretions. Nor generally was there any indication in the files that discretions were exercised in deciding whether or not to claim an exemption.

- Some of the mandatory exemptions have an exception that would allow disclosure of the information where the mandatory exemption was claimed. The file review did not identify any documentation that would indicate that the exceptions for disclosure were considered.

Recommendation 4.5: The *Manuals* developed by the ATIP Office provide direction on the documentation of the rationale for claiming an exemption, the exercise of discretion in deciding whether or not to claim a discretionary exemption and the need to take into account the exceptions for disclosure for some mandatory.

Recommendation 4.6: The ATIP Office develop criteria to consider for exercising discretion on whether or not to release information considered subject to a discretionary exemption.

The ATIP Office does not have a published ATI Training Plan. Training is an important foundation in creating a culture of access to information. As well, each manager and employee to varying degrees must be aware of their responsibilities for the management of information and access to it. A Training Plan will allow the ATIP Office to initially focus resources on priority areas where training will have the highest level of return.

Recommendation 4.7: The ATIP Office develop and implement an Access to Information Training Plan.

CHAPTER 5: INFORMATION MANAGEMENT FRAMEWORK

The *Access to Information Act* relies on records being created or received, indexed and filed in a way that they are readily retrievable. This applies to both paper and electronic records.

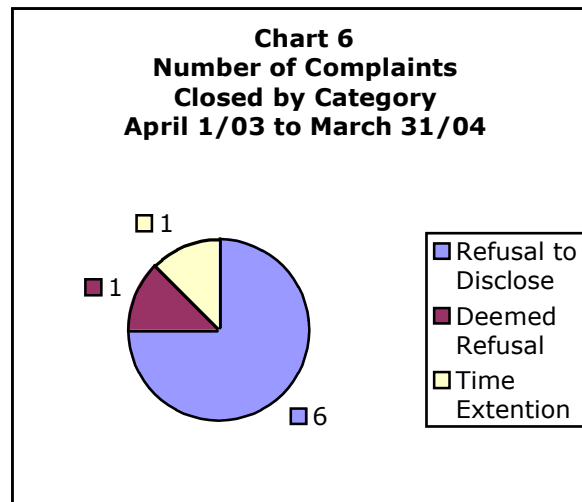
Agriculture and Agri-Food Canada is implementing the Treasury Board Secretariat *Policy on the Management of Government Information*. The department has completed an Information Management Capacity Assessment that provided a qualitative assessment of the department's ability to implement the policy. The department is developing an Information Management Vision.

In addition, Agriculture and Agri-Food Canada has undertaken a number of activities to provide access to information using alternative methods. These activities are seen as providing proactive disclosure of information. The activities to date include the routine disclosure of travel and hospitality expenses, departmental contracts and position reclassifications by posting the information periodically on the Agriculture and Agri-Food Canada Internet site. The department is encouraged to investigate what other information might be proactively disclosed.

Recommendation 5.1: Agriculture and Agri-Food Canada as part of the implementation of the *Policy on the Management of Government Information* determine categories of information that may be disclosed proactively.

CHAPTER 6: COMPLAINT PROFILE

The Office of the Information Commissioner completed the investigation of eight complaints made against Agriculture and Agri-Food Canada under the *Access to Information Act* in FY 2003/2004. For the first nine months of FY 2004/2005, one further complaint investigation was completed. Chart 6 illustrates the reasons that the complaints were made by a requester for FY 2003/2004. A chart is not shown for the first nine months of FY 2004/2005 because there was only one resolved complaint in the miscellaneous category.



CHAPTER 7: CONCLUSION

This Report Card makes a number of recommendations for ATI operations in Agriculture and Agri-Food Canada. Of particular note, an essential component in the administrative framework to support the operation of the *Access to Information Act* is the development of an ATI Improvement and Operational Plan for the ATIP Office. The Plan would establish priorities, tasks and resources, deliverables, milestones, timeframes and responsibilities. The Plan can be used as an operational framework to manage improvements, guide day-to-day activities and manage the implementation of recommendations in this Report Card that are accepted by the department. The Plan is also a method of engaging and obtaining senior management support for departmental improvements in ATI activities. Other recommendations focus on the need to have up-to-date comprehensive documentation in place to promote consistent decision-making by individuals with responsibilities in the operations supporting the *Access to Information Act*. These individuals require ATI training to support the fulfillment of their responsibilities.

Table 1: The Grading System Used for this Report Card

Overall Grade	Overall ATI Operations
A = Ideal	<ul style="list-style-type: none"> • All policies, procedures, operational plan, training plan, staffing in place • Evidence of senior management support including an ATI Vision • Streamlined approval process with authority delegated to ATIP Coordinator • 5% or less deemed refusals
B = Substantial	<ul style="list-style-type: none"> • Minor deficiencies to the ideal that can easily be rectified • 10% or less deemed refusals
C = Borderline	<ul style="list-style-type: none"> • Deficiencies to be dealt with
D = Below Standard	<ul style="list-style-type: none"> • Major deficiencies to be dealt with

F = Red Alert	<ul style="list-style-type: none">• So many major deficiencies that a significant departmental effort is required to deal with their resolution or many major persistent deficiencies that have not been dealt with over the years
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On this grading scale, Agriculture and Agri-Food Canada rates an “F”. Its overall performance is Red Alert.

LIST OF RECOMMENDATIONS

The following is a list of recommendation by chapter.

Chapter 1: The Access Request Process

Recommendation 1.1: The reason(s) for flagging an access request as high visibility be documented.

Recommendation 1.2: The ATIP Office always confirm in writing with a requester the clarification of an access request.

Recommendation 1.3: The ATIP Office document criteria for seeking clarification of an access request.

Recommendation 1.4: The ATIP Office notify a requester of the limitation of the right to complain when an access request is almost one year old.

Recommendation 1.5: The ATIP Office develop a fee waiver policy for access requests.

Recommendation 1.6: The ATIP Office document the criteria for categorizing an access request as abandoned or unable to process.

Recommendation 1.7: The ATIP Office document criteria to consider for treating an access request informally.

Recommendation 1.8: The ATIP Office produce a weekly report that provides information on access requests that are required to be completed at each stage in the request processing model in order to proactively manage the deemed-refusal situation.

Recommendation 1.9: The Delegation Order for Agriculture and Agri-Food Canada be amended to provide delegated authority under the *Access to Information Act* to individuals with the necessary knowledge to make the decisions required.

Recommendation 1.10: Agriculture and Agri-Food Canada streamline the access request processing model to eliminate review stages that do not add value to the process.

Recommendation 1.11: If an extended date will not be met, the ATI office should routinely contact the requester to indicate it will be late, to provide an expected response date and of the right to complain to the Information Commissioner. This will not impact the deemed-refusal status once the extension date is missed. However, it will alleviate some of the requester's frustration and perhaps avert a complaint.

Recommendation 1.12: The ATIP Office conduct an analysis of the completed access requests for FY 2003/2004 and FY 2004/2005 to determine the reasons for missed extension dates and develop a plan to resolve the situation.

Recommendation 1.13: The ATIP Office use *ATIPflow* to track and control and maintain the time requirements set out in section 28 of the *Access to Information Act*.

Recommendation 1.14: When a third party who has been given an appropriate opportunity to make representations under section 28 of the *Access to Information Act* and does not respond, the department conform to the overall thirty-day time requirement to make a decision on access to the records.

Recommendation 1.15: The ATIP Office make their own assessment of whether or not third-party representations about the non-disclosure of information applies to the records.

Recommendation 1.16: Where consultations are undertaken under paragraphs 9(1)(b) and 9(1)(c) of the *Access to Information Act*, the department provide a partial release where appropriate to records not subject to the consultation.

Recommendation 1.17: The ATIP Office institute requirements for documenting the rationale for claiming all exemptions unless the rationale is obvious, for the exercise of discretion and for the consideration of exceptions to mandatory exemptions.

Chapter 2: Deemed Refusals

Recommendation 2.1: The ATIP Office produce a monthly report that provides the ATIP Office and Senior Management at Agriculture and Agri-Food Canada with information on how well timelines are met when responding to access requests. The reports will provide senior management, OPIs and the ATIP Office with information needed to gauge overall departmental compliance with the Act's and department's time requirements for processing access requests.

Recommendation 2.2: The ATIP Coordinator should be directed by the Minister, in writing, through the *Delegation Order* to exercise the delegation to answer requests within deadlines whether or not the review process has been completed.

Recommendation 2.3: Agriculture and Agri-Food Canada should come into substantial compliance with the Act's deadlines no later than March 31, 2006.

Chapter 3: Resource Profile

Recommendation 3.1: As part of an ATI Improvement and Operational Plan, the ATIP Coordinator identify and document the need and rationale for additional resources for the ATI function in the ATIP Office at Agriculture and Agri-Food Canada.

Chapter 4: Leadership Framework

Recommendation 4.1: Senior management initiate the development of an access to information vision that can be communicated to departmental employees.

Recommendation 4.2: The ATIP Office develop an ATI Improvement and Operational Plan to support the departmental access to information vision.

Recommendation 4.3: The ATIP Office provide reports from *ATIPflow* to senior management and OPIs that measure performance in meeting time commitments in the access process.

Chapter 5: Information Management framework

Recommendation 5.1: Agriculture and Agri-Food Canada as part of the implementation of the *Policy on the Management of Government Information* determine categories of information that may be disclosed proactively.

Office of the Information Commissioner of Canada
REPORT CARD QUESTIONNAIRE

1. ACCESS REQUEST PROCESS

1.1 THE CLIENT (REQUESTER)

1.1.1 Client Profile

Source	Number of Requests	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Media	36	14
Academia	2	0
Business	98	66
Organization	39	12
Public	44	27
Other	0	0
Total	219	119

1.1.2 Request Categorization

Does the ATI Office categorize access requests in any manner (for example, sensitive, routine and so on)?

Yes	X	No	
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If Yes, please list and define the categories and if possible indicate the number of access requests in each category.

Category	Definition of Category	Number of Requests	
		April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Routine	Self explanatory	200	103
High Visibility	At the discretion of the OPIs, based on subject and source of request.	19	16
Information Collection	No definition – not used		
Public Opinion Research	No definition – not used		

1.1.3 Request Clarification

1.1.3.1 Access requests where clarification was sought	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Number of Requests	21	13

1.1.3.2 Are there documented criteria for seeking clarification?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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If Yes, please provide a copy with the completed questionnaire.

1.1.3.3 If a request is clarified or modified, does the ATI Office confirm, in writing, its understanding of the revised request? (Please provide any guidelines followed in this regard with the completed questionnaire.)

Always	<input type="checkbox"/>	Almost always	<input type="checkbox"/>	Sometimes	<input checked="" type="checkbox"/>	Rarely	<input type="checkbox"/>	Never	<input type="checkbox"/>
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1.1.4 Client Service

1.1.4.1 Disclosure to Client	Number	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Pages reviewed	42,670	20,919
Pages disclosed in total or in part	29,024	9,328
Pages for consultation under paragraphs 9(1)(a) and/or (b) and/or notification under (c)	Not available	Not available

1.1.4.2 If a request is almost one year old, does the ATI Office notify the requester about section 31, and the one-year limitation on the right to complain from the time the request is made? (Please attach any written guidelines you follow in this regard.)

Always	<input type="checkbox"/>	Almost always	<input type="checkbox"/>	Sometimes	<input type="checkbox"/>	Rarely	<input type="checkbox"/>	Never	<input checked="" type="checkbox"/>
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Re 1.1.4.2: The applicant is notified in every letter of contact (acknowledgement, request for clarification, notice of extension) about the right to complain, but not in a specific letter relating to requests more than one-year old.

1.1.4.3 Fees Collected/Waived	Number/Amount	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Amount of application fees collected	\$1,054.60	\$555.00
Amount of photocopying fees collected	\$217.40	\$121.00
Amount of search fees collected	\$370.00	\$385.00
Amount of preparation fees collected	\$0	\$0
Amount of programming fees collected	\$0	\$0
Total	\$1,642.00	\$1,061.00
Number of fee waivers sought	Unknown	Unknown
Number of fee waivers granted	Unknown	Unknown
Amount of fees waived	\$2,784.40	\$ 3,068.80

1.1.4.4 Does the department have a written fee waiver policy?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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If Yes, please provide a copy with the completed questionnaire.

1.1.4.5 If the \$5.00 application fee is not included with an access request and if the request concerns a matter under the *Privacy Act*, is the requester consulted on which Act to process the request under?

Always	<input checked="" type="checkbox"/>	Almost always	<input type="checkbox"/>	Sometimes	<input type="checkbox"/>	Rarely	<input type="checkbox"/>	Never	<input type="checkbox"/>
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1.1.5 Request Disposition

Disposition of Completed Requests For the Period	Number of Requests	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
All disclosed	67	35
Disclosed in part	84	45
Nothing disclosed (excluded)	0	0
Nothing disclosed (exempt)	7	3
Transferred	8	4
Unable to process	34	23
Abandoned by applicant	16	8
Treated informally	2	1

Disposition of Completed Requests For the Period	Number of Requests	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Total completed	218	119
Carried forward	27	27

1.1.6 Informal Treatment of Requests

1.1.6.1 If access requests are treated informally, is this done in consultation with the requester?

Always	<input type="checkbox"/>	Almost always	<input checked="" type="checkbox"/>	Sometimes	<input type="checkbox"/>	Rarely	<input type="checkbox"/>	Never	<input type="checkbox"/>
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1.1.6.2 Are there documented criteria for treating an access request informally?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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If Yes, please provide a copy with the completed questionnaire.

1.2 REQUEST PROCESSING

1.2.1 Time to Process Requests

Processing Model - Stages	April 1/03 to Mar. 31/04		April 1/04 to Dec. 31/04	
	Days Allocated	Average Actual Days	Days Allocated	Average Actual Days
ATI intake	1		1	
OPI search	8		10	
Records review and preparation	4		8	
Legal				
Communications				
Approval or otherwise – OPI	5		2	
Approval or otherwise – DMO	2			
Approval or otherwise - MO				

Processing Model - Stages	April 1/03 to Mar. 31/04		April 1/04 to Dec. 31/04	
	Days Allocated	Average Actual Days	Days Allocated	Average Actual Days
ATI release	1		1	

1.2.2 Extensions Profile

1.2.2.1 When extensions are necessary under subsection 9(1), are notices sent to the requester within 30 days?

Always		Almost always	X	Sometimes		Rarely		Never	
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1.2.2.2 When notice is sent under paragraphs 9 (1)(a) and/or (b) extending the time limit for more than thirty days, how often is a copy of the notice sent to the Office of the Information Commissioner?

Always	X	Almost always		Sometimes		Rarely		Never	
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1.2.2.3 Following an extension, if it is unlikely that the extended date will be met, does the ATI Office contact the requester to indicate:

a) The response will be late

Always		Almost always		Sometimes		Rarely	X	Never	
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b) Of an expected date for the final response

Always		Almost always		Sometimes		Rarely		Never	X
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c) Of the right to complain to the Information Commissioner

Always		Almost always		Sometimes		Rarely		Never	X
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Re 1.2.2.3 c) The applicant is notified in every letter of contact (acknowledgement, request for clarification, notice of extension) about the right to complain, but not in a specific letter relating to late requests beyond the extended date.

1.2.2.4 Extensions Under Paragraph 9(1)(a)	Number of Extensions	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
For volume (search for large number of records) 30 days and under	0	0

1.2.2.4 Extensions Under Paragraph 9(1)(a)	Number of Extensions	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
For volume (search for large number of records) 31 days and over	0	0
For volume (search through large number of records) 30 days and under	0	0
For volume (search through large number of records) 31 days and over	0	0

These figures are 'zeros' because AAFC does not use 9(1)(a).

1.2.2.5 If consultations are necessary under paragraph 9(1)(b), are these sent out as soon as the need has been identified?

Always		Almost always	X	Sometimes		Rarely		Never	
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1.2.2.6 Extensions Under Paragraph 9(1)(b)	Number of Extensions	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
For consultation with another institution	35	10
For consultation with domestic government	Not available	Not available
For consultation with foreign government	Not available	Not available
For consultation with individual	Not available	Not available
For consultation for section 69	Not available	Not available

1.2.2.7 If a request concerns third party records and consultations are necessary, are consultations taken under paragraph 9(1)(c)?

Always	X	Almost always		Sometimes		Rarely		Never	
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1.2.2.8 If a request concerns third party records and consultations are necessary, are consultations taken under paragraph 9(1)(b)?

Always		Almost always		Sometimes		Rarely		Never	X
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1.2.2.9 Are third-party notices sent as soon as the need for the notice is identified?

Always		Almost always	X	Sometimes		Rarely		Never	
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1.2.2.10 When notice is sent under paragraph 9(1)(c), how often is a copy of the notice sent to the Office of the Information Commissioner?

Always	X	Almost always		Sometimes		Rarely		Never	
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1.2.2.11 Is the third-party timing process (as set out in section 28) observed?

Yes		No	X
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If No, please provide comments.

Inconsistent tracking and follow-up procedures.

1.2.2.12 Does the ATI Office provide a partial release of the requested records for portions of the request that are not involved in the consultation process under paragraphs 9(1)(b) and/or 9(1)(c)?

Always		Almost always		Sometimes		Rarely	X	Never	
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1.2.2.13 Notification Under Paragraph 9(1)(c)	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Number of requests where third party consulted	36	10
Average length of time to receive representations from third parties	Not available	Not available
Average length of time to make a decision after receipt of representations from third parties	Not available	Not available
Number of notices under section 27	Not available	Not available
Number of notices for which section 27 time frame was not met	Not available	Not available
Number of requests for which <i>paragraph 28(1)(b)</i> timeframe was not met	Not available	Not available

1.2.3 Transfer Profile

Transfers	Number of Transfers	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Transferred within 15 Days	8	3
Transferred over 15 Days	0	1
Total transferred	8	4
Transfers refused	Unknown	Unknown

1.3 CLAIMS FOR EXEMPTIONS

Please provide any relevant documentation for the following questions.

Questions	Yes	No	Comments
1.3.1 Is there a rationale on file when an exemption is invoked?	X		
1.3.2 Is the exemption rationale prepared by the OPIs?	X		OPIs provide rationale in the area of their expertise.
1.3.3 Is the exemption rationale prepared by ATI?	X		ATIP staff will prepare a rationale if one is not provided or if more detail is required.
1.3.4 Is there a documented exemption challenge function in ATI if the rationale is prepared by OPIs?	X		If ATIP staff disagree with the recommendations put forward by the OPIs, discussions take place and the events/results are documented in <i>ATIPFlow</i> .
1.3.5 Is there a documented requirement to place the rationale for exercising a discretionary exemption on file?		X	

2. DEEMED REFUSALS

Statistics for Analysis of Deemed-Refusal Requests			
Part A: Requests carried over from the prior fiscal period.		April 1/03 to March 31/04	April 1/04 to Dec. 31/04
1.	Number of requests carried over:	28	27
2.	Requests carried over from the prior fiscal — in a deemed refusal situation on the first day of the new fiscal:	10	13
Part B: New Requests — Exclude requests included in Part A.		April 1/03 to March 31/04	April 1/04 to Dec. 31/04
3.	Number of requests received during the fiscal period:	219	119
4.A	How many were processed <i>within</i> the 30-day statutory time limit?	152	84
4.B	How many were processed beyond the 30-day statutory time limit <i>where no extension was claimed</i>?	9	5
4.C	How long after the statutory time limit did it take to respond <i>where no extension was claimed</i>?		
	1-30 days:	8	4
	31-60 days:	0	1
	61-90 days:	1	0
	Over 91 days:	0	0
5.	How many were extended pursuant to section 9?	55	19
6.A	How many were processed <i>within</i> the extended time limit?	24	4
6.B	How many exceeded the extended time limit?	10	4
6.C	How long after the expiry of the extended deadline did it take to respond?		
	1-30 days:	6	1
	31-60 days:	2	0
	61-90 days:	1	1
	Over 91 days:	1	2
7.	As of December 31, 2004, how many requests are in a deemed refusal situation?	10	

Statistics for Analysis of Deemed-Refusal Requests	
Part C: Contributing Factors	
8.	<p>Use this area to describe any particular aspect about a request or type of request that may impact on the difficulty or time necessary to complete a request:</p> <p><i>Lack of consistent practices and procedures were identified as issues more so than any particular aspect about a request or type of request. Lack of trained staff is also a factor which negatively affects the performance of the ATIP office.</i></p>

3. RESOURCE PROFILE

3.1 Employee Profile

Please list all ATI Office employees.

Full-time Position	Classification	Number	Years of Experience
1	PM 5		12
1	PM 4		7
1	PM 4		6
1	PM 4		1
Part-time Position	Classification	Number	Years of Experience

Please note that the employees listed above deal with Access to Information and Privacy issues.

3.2 Salary Dollar Budget for ATI Office

Fiscal Year	Budget Allocated	Budget Used	FTEs Allocated	FTEs Used
2003/2004	\$ 452,200	\$306,206	7	5.8
2002/2003	\$172,300	\$221,672		4.2
2001/2002	\$150,000	\$202,843		3.9

3.3 Operating Budget for ATI Office

Fiscal Year	Budget Allocated	Budget Used
2003/2004	\$ 92,100	\$144,849
2002/2003	\$ Not available	\$85,815
2001/2002	\$ Not available	\$ Not available

3.4 Breakdown of ATI Office Operating Budget Used or Set Aside for ATI Training or Training Materials

Fiscal Year	ATI Staff Training	Departmental ATI Training
2003/2004	\$6,812	\$ Not available
2002/2003	\$4,849	\$ Not available
2001/2002	\$ Not available	\$ Not available

3.5 Breakdown of ATI Office Operating Budget Used or Set Aside for ATI Consultants

Fiscal Year	Budget Allocated	Budget Used
2003/2004	\$ Not available	\$ 2,658
2002/2003	\$ Not available	\$ 59,575
2001/2002	\$ Not available	\$ Not available

4. LEADERSHIP FRAMEWORK

Please provide any relevant material with your completed questionnaire to support a “Yes” answer in the table below.

Question	Yes	No	Comments
4.1.1 Is there a documented ATI Vision?		X	
4.1.2 Is there a published ATIP Operational Plan with clearly defined objectives, deliverables, time frames and responsibilities?		X	
4.1.3 Is there a published ATIP Policy and Procedures Manual for departmental staff?		X	
4.1.4 Is the ATIP Policy and Procedures Manual kept up-to-date through at least a bi-annual review process?		X	
4.1.5 Are OPIs ATI responsibilities clearly defined through documentation provided to OPIs?	X		Copy of our tasking memorandum attached.
4.1.6 Is there an internal ATI Office Manual on processing access requests?		X	
4.1.7 Are there documented criteria for taking extensions under paragraphs 9(1)(a) and 9(1)(b)?	X		TBS guidelines are followed.
4.1.8 Is there a Delegation Order?	X		
4.1.9 Are the ATI roles and responsibilities for those with delegated authority clearly defined?		X	
4.1.10 Does the approval process require the approval or concurrence of officials who are not holders of delegated authority?	X		
4.1.11 Is there a published ATIP Training Plan?		X	
4.1.12 Has <i>ATIPflow</i> or similar application been implemented?	X		
4.1.13 Is <i>ATIPflow</i> used proactively to identify potential problems?		X	

Question	Yes	No	Comments
4.1.14 Is ATIPflow used to provide at least monthly reports to Senior Management?	X		
4.1.15 Has an audit of the ATI Program been conducted in the last three years?		X	

4.2 Dealing with ATI Problems

Condition	Action Taken	Comment on Progress
Deemed refusals	More staff	Process rigour and consistency implemented
OPI's late responses to taskings		Further training to be implemented

4.3 Solutions to Unanticipated Service Demands between April 1, 2003 and December 31, 2004

Service Demand	Solution

5. INFORMATION MANAGEMENT FRAMEWORK

5.1 What activities were planned and what progress was made between April 1, 2003, and December 31, 2004, on providing access to information using alternative methods?

Planned Activity	Action Taken	Comment on Progress
Proactive disclosure	Posting hospitality and call-up information on the web	Now posted on the departmental website
Web Portal	Technology purchased	Currently being implemented

5.2 What has been accomplished to implement the TBS Policy on the Management of Government Information?

AAFC has implemented an Information Management Capacity Check. AAFC is developing an IM Vision and has conducted comprehensive consultations and developed sustainability plans. AAFC has a steering committee with members from TBS, PWGSC and LAC.

5.3 What approximate percentage of departmental record holdings is covered by a Departmental Retention and Disposition Plan(s) and Records Disposition Authorities?

Departmental Retention and Disposal Plan(s)	80 %
Records Disposal Authority	98 %

5.4 Does the department have a classification scheme or schemes for its information?

Yes	X	No	
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If Yes, please provide documentation that explains the classification scheme(s)

5.5 How is the classification scheme(s) maintained for currency and comprehensiveness?

There is an existing review and update procedure. Our function based classification system is currently being validated and refined to meet evolving requirements.

6. COMPLAINT PROFILE

Data supplied by the Office of the Information Commissioner on complaints made to their Office and the resolution of those complaints.

6.1 Complaints Resolved by Categories

Category	Number of Complaints Resolved	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Refusal to disclose	6	0
Delay (deemed refusal)	1	0
Time extension	1	0
Fees	0	0
Language	0	0
Publication	0	0
Miscellaneous	0	1
Total resolved	8	1

6.2 Complaint Findings

Category	Number of Complaint Findings	
	April 1/03 to March 31/04	April 1/04 to Dec. 31/04
Resolved	6	0
Not resolved	0	0
Not substantiated	2	1
Discontinued	0	0
Total Findings	8	1